

Exhibit 34

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY
on behalf of its members, SHAKETA REDDEN,
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,
EBONY YELDON, and JANE DOE,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,
Mayor of the City of Buffalo, in his individual and
official capacities,
BYRON C. LOCKWOOD, Commissioner of the
Buffalo Police Department, in his individual
and official capacities,
DANIEL DERENDA, former Commissioner of the
Buffalo Police Department, in his individual capacity,
AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,
ROBBIN THOMAS,
UNKNOWN SUPERVISORY PERSONNEL 1-10,
UNKNOWN OFFICERS 1-20, each officers of the
Buffalo Police Department,
in their individual capacities,

Defendants.

Remote Examination Before
Trial of CHARLES PALMER, Plaintiff, taken pursuant to the
Federal Rules of Civil Procedure, at SUE ANN SIMONIN COURT
REPORTING, 421 Franklin Street, Buffalo, New York, taken on
September 14, 2023, commencing at 9:02 A.M., before NICHOLE
WINANS, Notary Public.

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INDEX TO WITNESSES

Witness:	CHARLES PALMER	Page
Examination By:		
Ms. Freely		6
Ms. Williams		108
Ms. Freely		115

INDEX TO EXHIBITS

Exhibits	For Identification
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A	Amended Complaint	115
B	Buffalo Police Department Ticket dated November 4, 2015	115
C	DMV Form MV-232	115
D	DMV Form MV-80W	115

1 APPEARANCES:

2 WESTERN NEW YORK LAW CENTER,
3 By KEISHA A. WILLIAMS, ESQ.,
4 Cathedral Park Tower,
5 37 Franklin Street, Suite 210,
6 Buffalo, New York 14202,
7 Appearing for the Plaintiffs.

8 HODGSON RUSS LLP,
9 By CHEYENNE N. FREELY, ESQ.,
10 The Guaranty Building,
11 140 Pearl Street, Suite 100,
12 Buffalo, New York 14202-4040,
13 Appearing for the Defendants.

14 (The following stipulations were entered
15 into by both parties.)

16 It is hereby stipulated by and between counsel
17 for the respective parties that the oath of the
18 Referee is waived, that signing, filing and
19 certification of the transcript are waived, and
20 that all objections, except as to the form of the
21 questions, are reserved until the time of trial.

22 THE REPORTER: Do all parties involved agree to this
23 deposition being conducted by remote video and to
the witness being sworn in remotely?

MS. FREELY: Yes.

MS. WILLIAMS: Yes.

1 CHARLES PALMER: Yes.

2

3 C H A R L E S P A L M E R,
4 P.O. Box 32094, Charlotte, North Carolina 28232,
5 after being duly called and sworn,
6 testified via videoconference as follows:
7

8 EXAMINATION BY MS. FREELY:
9

10 Q. Good morning, Mr. Palmer. My name is Cheyenne
11 Freely, I'm with the firm Hodgson Russ, and we
12 represent the Defendants in this action. So
13 before we start I just want to go over a couple
14 ground rules so that we're on the same page here.
15 First and foremost, have you ever given any
16 deposition testimony before?

17 A. No.

18 Q. Okay. So some of these things might be new to
19 you, but they're just for clarity and to make
20 sure we are not making Nikki's job any harder
21 than it already is. So first, for all of your
22 answers today, I just request that you have full
23 verbal answers, so in normal conversations you

1 might shake your head or say um-hum, but for the
2 sake of today, I just ask that your answers are
3 fully verbal. Can we agree to that?

4 A. Yes.

5 Q. And then, can we agree that we will try not to
6 speak over each other?

7 A. Yes.

8 Q. If you don't understand a question, can we agree
9 that you will let me know so that I can rephrase
10 it?

11 A. Oh, I'm sure.

12 Q. And if you don't -- if you do answer a question
13 without asking me to clarify, can we agree that I
14 can interpret that as you understanding my
15 question?

16 A. I'm sorry. What did you say?

17 Q. If you do answer my question without asking me to
18 clarify it, can we agree that that's you
19 understanding my question?

20 A. I'm sure, yeah.

21 Q. And then can we agree that you won't guess or
22 speculate, and if you do, you'll let me know?

23 A. Yes.

1 Q. Do you understand the difference between a guess
2 and an estimate?

3 A. No.

4 Q. Okay. So a guess is something that you really
5 don't have a point of reference for, for example,
6 if I asked you when my birthday was, you don't
7 have a point of reference for that, so that would
8 be a guess. If I asked ask you for an estimate,
9 that would be more along the lines of how far
10 away your phone is sitting from you right now,
11 right, you have a point of reference and you can
12 estimate that. Does that make sense?

13 A. Yes.

14 Q. Okay. So at certain points today I might ask you
15 to estimate or approximate, but I don't want you
16 to guess. Does that make sense?

17 A. Sure.

18 Q. Okay. And if you need a break at any point in
19 time today, just let me know, I just ask that you
20 answer my question before -- answer any pending
21 question before you request a break. Can we
22 agree to that?

23 A. Yes.

1 Q. And then your attorney might object to questions
2 that I ask today, however, you still need to
3 answer my question to the best of your ability,
4 unless your attorney instructs you not to. Can
5 we agree to that?

6 A. Sure.

7 Q. Okay. Are you currently on any medications that
8 would affect your ability to give truthful and
9 accurate testimony today?

10 A. No.

11 Q. And is there any other reason that you wouldn't
12 be able to give truthful and accurate testimony
13 today?

14 A. No.

15 Q. Okay. Mr. Palmer, what is your date of birth?

16 A. [REDACTED]

17 Q. And what is your full name?

18 A. Charles Kris Palmer Junior.

19 Q. And is that C-H-R-I-S, Chris?

20 A. No. K-R-I-S.

21 Q. Okay. Thank you. Have you ever gone by any
22 other names?

23 A. No.

1 Q. Okay. And have you ever been married?

2 A. No.

3 Q. Do you have any children?

4 A. Yes.

5 Q. How many?

6 A. One.

7 Q. And what is their name?

8 A. My son's name?

9 Q. Yes.

10 A. He has nothing to do with this.

11 Q. To the extent that this is a question in your
12 deposition, you are expected to answer, unless
13 again your attorney has any objection that would
14 require you not to answer.

15 A. Okay.

16 Q. So what is your son's name?

17 A. I'm not giving you my son's name.

18 Q. What is your son's age?

19 A. I'm not giving you anything that has nothing to
20 do with what we're here for today. They don't
21 have anything to do with this case and I'm not
22 giving -- involving them in this case, this is
23 for me and for the case as it stands, they're not

1 a part of anything that has to do with this.

2 MS. WILLIAMS: So the information part, Charles, it's
3 not going to be public, it's just going to be
4 held within this case. I mean, it's going to
5 be -- it's not going to be published or it's not
6 going to be publicized, it's just information for
7 the case. It's just background information.

8 THE WITNESS: That's fine. I may not be a -- I don't
9 think I'm a good candidate for this because I'm
10 not volunteering to give up personal information
11 like that. I was under the impression that we
12 were speaking about ticketing and violating of
13 discrimination and violating the rights. I
14 wasn't -- I'm not in agreeance (sic) to giving up
15 irrelevant information for no reason.

16 BY MS. FREELY:

17 Q. Mr. Palmer, it is relevant to this case in the
18 complaint, it states that you struggled to pay
19 bills for, and support your son, so your son is
20 mentioned in this lawsuit. So for the sake of
21 relevance and the fact that he is mentioned in
22 this lawsuit, I do ask that you answer questions
23 related to your son.

1 A. Okay. That statement is true, but as far as his
2 name or any of his personal information or
3 anybody else's personal information, I'm not
4 involving them, as I stated, but that is, that
5 statement is true, I have struggled to provide
6 for my son and myself, my family behind these --
7 behind this case, and things that have happened
8 as a consequence, but as far as mentioning them
9 or volunteering their personal information, I
10 haven't spoke to my family about this, and I'm
11 not going to just get them involved in something
12 that they're not even involved in.

13 Q. Okay. But for the sake of your claim that you
14 have been struggling to support your son, his age
15 is directly relevant. For example, if he was
16 twenty-two, that support looks a little bit
17 different than if he was a minor or if he was
18 five or a teenager, et cetera.

19 MS. WILLIAMS: Can we do an age range just to, and
20 then maybe get back, get you the information
21 later to sort of move ahead. Can we do an age
22 range, Charles? And then --

23 THE WITNESS: My son is nine years old.

1 BY MS. FREELY:

2 Q. And I do just have two more questions about your
3 son. Does he live with you?

4 A. No.

5 Q. Okay. And do you have any kind of joint custody
6 or custody arrangement with him -- well, with his
7 mother?

8 A. That's pending.

9 Q. Okay. Can you describe that?

10 A. No, not really. It's a long story, but that's a
11 pending situation, there has been arrangements,
12 and there's currently my application is in and
13 we're currently going to court in regards to
14 that, so like I said, it's pending and there's
15 no, no updates to that at this time.

16 Q. Okay. So the exact arrangement is up in the air,
17 but do you pay child support?

18 A. Yes.

19 Q. Okay. And do you support him outside of child
20 support?

21 A. Currently, yes.

22 Q. Okay. And how so?

23 A. Right now, financially.

1 Q. Okay. But beyond your child support obligation?

2 A. Yes.

3 Q. Okay. Thank you. I appreciate that. And I can
4 appreciate wanting to keep your son's personal
5 details out of this, but thank you for your
6 thoughtful answers.

7 So off of that topic, what is your current
8 address, your current residential address, excuse
9 me?

10 A. I don't have no current address, I'm homeless. I
11 just have a mailing address.

12 Q. Can you repeat that last part? I'm sorry. You
13 don't have a?

14 A. I just have a mailing address, I don't have a
15 current address.

16 Q. Okay. And what is your mailing address?

17 A. P.O. Box 32094, Charlotte, North Carolina 28232.

18 Q. Do you currently reside in North Carolina then?

19 A. Yes.

20 Q. Okay. And did you have a residential address
21 prior?

22 A. Yes.

23 Q. What was that?

1 A. I had multiple addresses, so --

2 Q. So what was the last one?

3 A. 255 Newburgh Avenue, Buffalo, New York 14215.

4 Q. And what neighborhood is that in Buffalo?

5 A. What neighborhood is that?

6 Q. Yes.

7 A. East Side.

8 Q. Okay. Do you remember how long you lived there?

9 A. I've had that address for over twenty years.

10 Q. Over twenty years?

11 A. Yeah.

12 Q. Okay. And so then did you reside there for over
13 twenty years?

14 A. Off and on, yes.

15 Q. Okay. And did you own or rent that address?

16 A. Rent, family, family and rent, yeah.

17 Q. Okay. And so when did you move to North
18 Carolina?

19 A. I moved to North Carolina 2022.

20 Q. Do you remember an approximate month?

21 A. February 2021 I believe.

22 Q. Okay. So not 2022, it's February 2021?

23 A. Yeah.

1 Q. Okay. Understood. Prior to the Newburgh
2 address, where did you live before that -- or,
3 what was your residential address before that?

4 A. Not sure.

5 Q. Do you remember if it was in Buffalo?

6 A. Yes.

7 Q. Okay.

8 A. It was.

9 Q. Do you recall if you owned or rented there?

10 A. No. I lived with my mother.

11 Q. Okay. Is that the same house that you grew up in
12 then?

13 A. One of them, yes.

14 Q. And so is it safe to say that you grew up in the
15 City of Buffalo?

16 A. Yes.

17 Q. What neighborhoods did you grow up in?

18 A. Multiple neighborhoods. Primarily the East Side.

19 Q. Okay. Do you visit Buffalo often?

20 A. I haven't, I haven't often recently, no.

21 Q. Okay. Do you have plans to visit Buffalo any
22 time soon?

23 A. Yes.

1 Q. And when is that, approximately?

2 A. Not sure.

3 Q. Do you come up here to see family, do you come up
4 to Buffalo to see family?

5 A. Sometimes.

6 Q. Okay. And is your son in Buffalo or North
7 Carolina?

8 A. He's in Buffalo.

9 Q. Okay. Where did you attend high school?

10 A. McKinley High School.

11 Q. In Buffalo, New York, correct?

12 A. Yes.

13 Q. Did you graduate from high school?

14 A. Yes.

15 Q. And do you remember in what year did you
16 graduate?

17 A. 2001.

18 Q. What did you do after high school?

19 A. You mean directly after high school?

20 Q. Yes.

21 A. I went to college.

22 Q. Where did you go to college?

23 A. I went to college in Virginia.

1 Q. What college or university did you attend?

2 A. Virginia State University.

3 Q. And what was your major there?

4 A. I'm not sure.

5 Q. Do you remember -- did you graduate?

6 A. Not from there, no.

7 Q. Okay. Where did you graduate from?

8 A. Buffalo State.

9 Q. So did you transfer from Virginia State to
10 Buffalo State?

11 A. Yes.

12 Q. Do you remember what year you transferred?

13 A. 2006.

14 Q. Do you remember what your major was at Buff
15 State?

16 A. Economics.

17 Q. And what degree did you graduate with?

18 A. Bachelor's science.

19 Q. What year did you graduate in?

20 A. 2013.

21 Q. So did you take some time off after Virginia
22 State University?

23 A. Off of college?

1 Q. Yes.

2 A. Yes, I would say so.

3 Q. Okay. Because we have you graduating high school
4 in 2001 and then finishing college in 2013. So
5 what did you do during the gaps in your college
6 education?

7 A. Bunch of different things.

8 Q. Can you describe those?

9 A. No, not really.

10 Q. What do you mean by not really?

11 A. No, I don't, I don't -- I can't, I can't describe
12 those.

13 Q. Do you not recall?

14 A. No. Not offhand.

15 Q. Okay. Did you work?

16 A. Pretty sure I worked.

17 Q. What did you work as, what did you do?

18 A. Multiple different things.

19 Q. Okay. Can you list those things?

20 A. No.

21 Q. Why can't you list those things?

22 A. Because I don't, I don't know off the top of my
23 head and -- I don't know. It's a long time ago.

1 And I'm still struggling with the relevancy of
2 those questions. I don't know if we're going to
3 get to something or if all of these are
4 considered relevant, I don't know if Keisha is
5 going to let me know if these questions are
6 needed for me to continue on, but I didn't plan
7 on just doing -- I didn't -- like I said, I
8 didn't plan on this being -- going this way. I
9 planned on it being more based on what we're here
10 for today as opposed to my personal and private
11 life.

12 Q. Which I understand, Mr. Palmer, but by filing
13 this suit you've opened up a certain degree of
14 your personal and private life for the sake of
15 background, like Ms. Williams stated earlier, so
16 if you're refusing to answer because you don't
17 think it's relevant, then that's impermissible,
18 but if you don't recall, then I can appreciate
19 that and that's okay. But for the sake of this,
20 I'm asking you to answer truthfully, answer to
21 the best of your recollection regardless of
22 whether you think that it's relevant or not.

23 A. I understand that. For this area, I don't recall

1 because, like I said, it was a while ago, and I
2 stated that. The rest of my statement was for
3 the furtherance of this meeting here, is that I'm
4 not going to -- regardless of what you say, if I
5 don't believe that it's relevant, I'm not going
6 to be subjected to just random questions about
7 going picking through my life, like I stated
8 continuously, this -- my expectation was that it
9 would be based on this case and the information
10 that I've already provided as opposed to coming
11 through my personal and private life, with me, my
12 family and whatever other questions that you
13 decide you want to ask. I'm not here to just
14 openly answer any questions that you think of.

15 Q. And I understand that. However, is it your view
16 that you aren't going to answer questions
17 truthfully and honestly if you view them as
18 irrelevant?

19 A. No. That's not what I'm saying. I'm not going
20 to answer them, I'm not going to participate if
21 that's going to be the case is what I'm saying.

22 Q. Okay. Well, I have extensive questions about
23 your background that I do want answers to. If

1 you aren't going to answer those then we can call
2 the judge, and they will tell you pretty much the
3 same thing I'm telling you, that you're going to
4 have to answer these questions.

5 A. Okay. Well, we can -- I can speak with Keisha or
6 whoever about it and let them know how I feel
7 about that, but if that's what your plan is then
8 we don't need to waste any more time.

9 MS. WILLIAMS: I mean, I think the background
10 questions, I could object to the relevancy,
11 Charles, but like I said, unless I say don't
12 answer, unfortunately you do have to answer.
13 There are only a few questions that I can tell
14 you not to answer. If I told you not to answer
15 these questions, I would be out of bounds. I
16 don't know if -- maybe we can try to do this at
17 another time or do you want to proceed or do you
18 want to stop or --

19 MS. FREELY: I know we've got our discovery schedule
20 and we want to stick to that, so I don't want to
21 adjourn this for that sake, but how about we take
22 like a early five-ish minute break, and we can
23 reassess, if you want to speak with your client,

1 and I can speak with other counsel on this to see
2 if that's something they would want to do.

3 MS. WILLIAMS: Yes. Okay.

4 MS. FREELY: Okay. Perfect. So we'll come back at
5 like nine-thirty. Sound good?

6 MS. WILLIAMS: Sounds good.

7 (Whereupon, a short recess was then taken.)

8 BY MS. FREELY:

9 Q. Okay. So, Mr. Palmer, I'm just going to recap
10 where we were and then move forward. So is it
11 your testimony that you -- let me strike that.
12 Aside from your attendance at Virginia State and
13 Buffalo State, what did you do from 2001 to 2013?

14 MS. WILLIAMS: Objection. Even though I object,
15 you're still required to answer or if you don't
16 want to answer you can say.

17 THE WITNESS: Oh, me? No. I would need some
18 specific, like what are you asking me
19 specifically? That's a long time frame.

20 BY MS. FREELY:

21 Q. Yes. Of course. So from 2001 to 2013, did
22 you -- were you employed?

23 A. Pretty sure, yes.

1 Q. Okay. And what were you doing for employment?

2 A. I'm not sure.

3 Q. Do you remember the industry that you worked in?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: I worked in different industries,
6 primarily construction, but I pick up
7 different -- I have multiple trades, multiple
8 skills that I utilize, and that I perform for
9 income throughout my life, throughout that time
10 period. There wasn't just one specific thing
11 that I did in that time frame. I would have to
12 look at my resume and I would have to think about
13 everything that I did in that time frame, but for
14 the most part, I'm a -- I was a carpenter.

15 BY MS. FREELY:

16 Q. Okay. And did you receive any professional
17 certificate or credentials as part of being a
18 carpenter?

19 MS. WILLIAMS: Objection.

20 THE WITNESS: Yeah.

21 BY MS. FREELY:

22 Q. And what was that?

23 A. Multiple certificates, multiple certificates

1 construction related, OSHA, CPR, aerial lift
2 certificates, just a bunch of different
3 construction related certificates that I've
4 received by being a carpenter.

5 Q. Okay. Shifting gears a little bit. Did you
6 serve in any capacity in the United States Air
7 Force?

8 A. Yes.

9 Q. In what capacity did you serve?

10 A. I was active duty. Active duty. I was active
11 duty.

12 Q. Okay. And what was your rank?

13 MS. WILLIAMS: Objection.

14 THE WITNESS: My rank, my rank was an E-3.

15 BY MS. FREELY:

16 Q. Okay. And when did you begin your time with the
17 Air Force?

18 A. 2002 -- no. 2003.

19 Q. Okay. And when did you end your time with the
20 Air Force?

21 A. 2005.

22 Q. Where were you stationed during that time?

23 MS. WILLIAMS: Objection.

1 THE WITNESS: I was stationed at Spangdahlem,
2 Germany.

3 BY MS. FREELY:

4 Q. And why did your time with the Air Force end?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: Early separation.

7 BY MS. FREELY:

8 Q. Can you describe that a little bit more?

9 A. No. It's just a program that they -- that's
10 offered, that was offered at the time when the
11 war was ending, and they were downsizing the
12 military, specifically the Air Force members, and
13 then you had opportunity to separate early,
14 earlier than your contract if you would like.

15 Q. Okay. Did you sustain any injuries during your
16 service?

17 MS. WILLIAMS: Objection.

18 THE WITNESS: Yes.

19 BY MS. FREELY:

20 Q. And what were those injuries?

21 A. Multiple injuries. I don't understand the
22 relevancy of that. If you can expand on that.

23 Q. So just to be clear, I'm not going to explain why

1 each of my questions is relevant, I am just
2 seeking to get information on your background
3 here again. So I will ask the question again.
4 Do you recall what injuries you sustained during
5 your service?

6 MS. WILLIAMS: Objection.

7 THE WITNESS: No. I just stated, as you stated at
8 the beginning of this, that all of these
9 questions will be relevant to what I stated and
10 to this case, so I'm confused as to why you're
11 saying that they're not going to be relevant
12 anymore.

13 BY MS. FREELY:

14 Q. I never stated that.

15 MS. WILLIAMS: So can we just go off the record for
16 just a minute?

17 MS. FREELY: Go ahead.

18 (Discussion off the record.)

19 BY MS. FREELY:

20 Q. Okay. So picking up where we left off, what
21 injuries did you sustain during your service with
22 the Air Force?

23 MS. WILLIAMS: Objection.

1 THE WITNESS: Multiple injuries, there's a list of
2 them. I'm not sure about every injury, I'm still
3 being seen for injuries, injuries are ongoing.

4 BY MS. FREELY:

5 Q. Okay. And can you list the injuries that you've
6 been diagnosed with?

7 MS. WILLIAMS: Objection.

8 THE WITNESS: No.

9 BY MS. FREELY:

10 Q. Why can't you list those injuries?

11 A. For the reasons I just stated.

12 MS. WILLIAMS: I think he doesn't want to answer the
13 question, so if you could just say that, Charles,
14 we'll just move on.

15 BY MS. FREELY:

16 Q. Yes. The thing is, if you don't want to answer a
17 question, you can just say that and move on, but
18 understand that your refusal to answer questions
19 will come with we will move to compel your
20 answers, we'll likely have to come back here and
21 we'll have a court order requiring that you
22 answer, and we will also move for sanctions,
23 which is including but not limited to dismissing

1 you from this action. Do you understand that?

2 A. That's fine. I don't understand the relevancy
3 here with what we're talking about right now.
4 I've answered the questions, so -- but that's
5 good information to know for the future I guess.

6 Q. And I'm telling you that regardless of whether
7 it's relevant or not, and what your counsel has
8 told you is that if you do not want to answer a
9 question, you can say that you don't feel
10 comfortable answering the question, you don't
11 want to answer the question, and we will move on.
12 But those refusals will be noted for our motion
13 to compel and motion for sanctions. You
14 understand?

15 A. Okay. I'm pretty sure that I'm -- we're all on
16 the record and this is recording my answers to
17 those questions, and whatever is deemed to be
18 suitable or not, is not my position, but I've
19 answered the questions that you've asked me. I
20 don't know where we're at with that.

21 Q. Okay. So did any of the injuries that you
22 sustained result in a permanent disability?

23 A. I'm not sure.

1 MS. WILLIAMS: Objection.

2 BY MS. FREELY:

3 Q. To this day, do you know if you have any
4 permanent disabilities?

5 A. No. Because I know there's a difference in
6 permanent disabilities and disabilities, I know
7 there's different classifications of
8 disabilities, and I'm not sure if any of my
9 disabilities are officially considered permanent
10 or not, so I can't -- no. I can't answer that.

11 Q. Okay. I can rephrase that. On a daily basis, do
12 you encounter any pain that is a result of
13 injuries during your service?

14 MS. WILLIAMS: Objection.

15 THE WITNESS: Yes.

16 BY MS. FREELY:

17 Q. And what pain is that?

18 A. Chronic pain.

19 Q. Where?

20 A. Throughout my body, from my neck down to my feet.

21 Q. Okay. Do you have any sensory impairments? Let
22 me back up.

23 MS. WILLIAMS: Objection.

1 BY MS. FREELY:

2 Q. Do you know what I mean when I say sensory
3 impairment?

4 A. Not really, no.

5 Q. Okay. So your senses, touch, taste, smell,
6 hearing, and sight, if you have any impediments
7 to those that make it such that you cannot, for
8 example, see without glasses or you cannot fully
9 hear or you cannot -- you don't have sense to
10 touch things and feel them, so do you have any
11 sensory impairments?

12 A. Yes.

13 Q. And what are those?

14 A. I have vision problems, and I have ringing in my
15 ears. Those two things are what comes in my mind
16 right now, as far as sensory.

17 Q. Okay. And how long have you had your vision
18 impairment?

19 A. Not sure of the exact date.

20 Q. I don't need an exact date. Has it been longer
21 than ten years?

22 A. No. I believe, I believe about ten years.

23 Q. Okay.

1 A. Yeah.

2 Q. And how long have you had the ringing in your
3 ears?

4 A. That is -- that's been since I was in the Air
5 Force.

6 Q. Okay. Are you currently employed?

7 A. No.

8 Q. What was the last employment that you held?

9 A. Last employment I held was Lowe's Home
10 Improvement.

11 Q. And what was your position there?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: I worked in the electrical, retail
14 sales, customer service, specialty sales.

15 BY MS. FREELY:

16 Q. What Lowe's -- well, let me rephrase. Where was
17 that Lowe's located, you can just give me a city?

18 A. I worked at Lowe's in Buffalo as well as in
19 Charlotte.

20 Q. Okay. Did you work at the Charlotte one most
21 recently?

22 MS. WILLIAMS: Objection.

23 THE WITNESS: Yes.

1 BY MS. FREELY:

2 Q. Okay. And when did you start -- I'll back up.

3 A. I'm sorry?

4 Q. Is it fair to say -- sorry?

5 A. What did you say?

6 Q. Is it fair to say that you started at the Buffalo
7 Lowe's?

8 A. Yeah.

9 Q. And when did you start at the Buffalo Lowe's?

10 A. I'm not sure.

11 Q. Do you know an approximate date?

12 A. No.

13 Q. Was it before 2020?

14 MS. WILLIAMS: Objection.

15 THE WITNESS: I'm not sure. No, it wasn't before.

16 It wasn't before 2020, no.

17 BY MS. FREELY:

18 Q. Okay. So it was after 2020?

19 A. Yeah.

20 Q. And do you remember how long you were there for
21 before you went to the Charlotte Lowe's?

22 A. No.

23 MS. WILLIAMS: Objection.

1 BY MS. FREELY:

2 Q. And did you remain in the same position during
3 your time with Lowe's?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: No.

6 BY MS. FREELY:

7 Q. Okay. Did you receive a promotion?

8 A. No. Changed departments.

9 Q. Okay. What department did you change over to?

10 MS. WILLIAMS: Objection.

11 THE WITNESS: I changed from, I changed from lumber
12 department to the electrical department.

13 BY MS. FREELY:

14 Q. Okay. So then did you start in lumber when you
15 were in Buffalo?

16 A. Yes.

17 Q. Okay. And was this a full-time position?

18 MS. WILLIAMS: Objection.

19 THE WITNESS: Yes.

20 BY MS. FREELY:

21 Q. Do you remember when you left Lowe's?

22 A. September, September 2022.

23 Q. And why did you leave?

1 A. Medical. Due to my disabilities.

2 Q. Can you identify the specific disabilities you're
3 referencing?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: Chronic pain.

6 BY MS. FREELY:

7 Q. And is that chronic pain throughout your whole
8 body like you referenced earlier?

9 A. Yep.

10 Q. Okay. And what did you do before Lowe's, so
11 before you started at the Buffalo Lowe's?

12 A. Construction.

13 Q. Did you work for a specific company?

14 MS. WILLIAMS: Objection.

15 THE WITNESS: Yes. Yes. Changed companies every
16 project, for the most part.

17 BY MS. FREELY:

18 Q. And how long -- when did you start in
19 construction?

20 A. 2008.

21 Q. And did you work full-time in construction?

22 A. Yeah.

23 Q. Were the jobs you worked in Buffalo?

1 A. Western New York. Western New York, when I lived
2 in Buffalo. Western New York, yeah.

3 Q. And why did you leave the construction field?

4 A. Disabilities.

5 Q. Okay. Have you ever been fired from any job?

6 MS. WILLIAMS: Objection.

7 THE WITNESS: No. No.

8 BY MS. FREELY:

9 Q. Have you ever been demoted at any job?

10 MS. WILLIAMS: Objection.

11 THE WITNESS: No.

12 BY MS. FREELY:

13 Q. And have you ever been asked to leave or resign
14 from a job?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: No.

17 BY MS. FREELY:

18 Q. Do you still volunteer with AmeriCorps?

19 A. No.

20 Q. When did you stop volunteering with them?

21 A. I'm not sure. I'm not sure.

22 Q. Okay.

23 A. I believe 2019. I believe November 2019.

1 Q. Okay. And why did you stop volunteering with
2 them?

3 A. My term ended.

4 Q. And when you were with them, what did you do?

5 A. Economic development.

6 Q. Can you describe what that entailed?

7 A. That entailed providing, providing capital to
8 underprivileged community, low income,
9 underserved community, providing small business
10 loan opportunities and technical small business
11 resources and assistance.

12 Q. And how long were you -- strike that. When did
13 you start with AmeriCorps?

14 A. I believe November 2018.

15 Q. So is it correct that your term with AmeriCorps
16 was about a year?

17 A. A year term, yes.

18 Q. Okay. Do you have any other volunteer
19 involvement?

20 A. I continuously volunteer, I volunteer not
21 officially. I still volunteer my services as a
22 business consultant to small business owners and
23 entrepreneurs currently.

1 Q. Do you volunteer with any organizations?

2 A. No.

3 Q. Okay. Have you ever been charged with a crime?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: Yeah.

6 BY MS. FREELY:

7 Q. And can you identify the crime or crimes?

8 MS. WILLIAMS: Objection.

9 THE WITNESS: No.

10 BY MS. FREELY:

11 Q. Why can't you identify those?

12 A. Because I don't recall.

13 Q. You don't recall the crimes that you've been
14 charged with or crime?

15 A. No.

16 Q. Okay. Have you ever been convicted of a crime?

17 MS. WILLIAMS: Objection.

18 THE WITNESS: Yes.

19 BY MS. FREELY:

20 Q. Can you identify the crime or crimes that you've
21 been convicted with?

22 MS. WILLIAMS: Objection.

23 THE WITNESS: No.

1 BY MS. FREELY:

2 Q. Can you repeat that? I'm sorry. I broke up for
3 a second.

4 A. No.

5 Q. And why can't you identify those?

6 MS. WILLIAMS: Objection.

7 THE WITNESS: I'm not comfortable with speaking on
8 them.

9 BY MS. FREELY:

10 Q. Okay. In 2014 did you plead guilty to possession
11 with intent to distribute marijuana?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: Yeah.

14 BY MS. FREELY:

15 Q. And what was your sentence for that?

16 MS. WILLIAMS: Objection.

17 THE WITNESS: One year probation.

18 BY MS. FREELY:

19 Q. Do you recall what the initial charges associated
20 with that conviction were?

21 MS. WILLIAMS: Objection.

22 THE WITNESS: Conspiracy to distribute -- no. I'm
23 not sure.

1 BY MS. FREELY:

2 Q. It was -- so it was conspiracy to distribute
3 something, but you're not sure exactly what?

4 A. No. I'm not sure what it was.

5 MS. WILLIAMS: Objection. I think he doesn't
6 remember the charge.

7 BY MS. FREELY:

8 Q. Okay. Is it true that when you were arrested the
9 police seized marijuana and cocaine from your
10 possession?

11 MS. WILLIAMS: Objection.

12 THE WITNESS: I'm not sure about that one.

13 BY MS. FREELY:

14 Q. And did you have any probation violations during
15 your one year probation sentence?

16 MS. WILLIAMS: Objection.

17 THE WITNESS: Yeah. Yeah, I actually did.

18 BY MS. FREELY:

19 Q. Can you describe those violations?

20 MS. WILLIAMS: Objection to form.

21 THE WITNESS: No. It was just one violation, I'm not
22 sure what it was for, but yeah.

23 BY MS. FREELY:

1 Q. Did you receive any additional punishment for
2 that violation?

3 A. Yes.

4 Q. And do you recall what that was?

5 A. Halfway house, I went to a halfway house for
6 ninety days, three months.

7 Q. Okay. Do you recall when that was?

8 A. No.

9 Q. And aside from the arrest associated with the
10 charge and conviction that we just discussed,
11 have you ever been arrested aside from those --
12 aside from that, excuse me?

13 MS. WILLIAMS: Objection.

14 THE WITNESS: No. I'm not sure, no.

15 BY MS. FREELY:

16 Q. Okay. You're not sure or do you not remember?

17 A. I'm not sure.

18 Q. Okay. Have you ever been a party to another
19 lawsuit?

20 A. I don't believe so.

21 Q. Okay. So you've never sued anyone?

22 MS. WILLIAMS: Objection.

23 THE WITNESS: Nope. I don't think so.

1 BY MS. FREELY:

2 Q. And you've never been sued?

3 A. No.

4 Q. Okay. What did you do to prepare --

5 MS. WILLIAMS: I'm sorry. I just want to -- sorry.

6 I know that Charles mentioned some family stuff,

7 Family Court issues, so I don't know if that's

8 what you're referring to, so I just wanted to

9 bring that up or not bring it up, just point that

10 out as a possibility.

11 MS. FREELY: No. I appreciate that.

12 BY MS. FREELY:

13 Q. Just so that our record is clear, I don't want

14 anything to be excluded. In the context of

15 Family Court, have you ever been a party to a

16 matter in Family Court?

17 A. Have I ever been a party to a matter in Family

18 Court?

19 Q. Yes.

20 A. I don't know what you're asking me. I mean, we

21 did speak about custody of my son that I'm

22 currently going through a proceeding regarding

23 that, I don't know if that's what you mean again.

1 Q. So we spoke about that one, and I recall that
2 one, but is there any other Family Court matter
3 aside from this present custody dispute with your
4 son that you've ever been a party to?

5 A. I don't know what you're asking me. No. Family
6 Court, support, family support court. Yeah,
7 Family Court and child support is what I have
8 been dealing with in regards to Family Court.
9 Yeah, both sides of that, custody and child
10 support. I don't know if that's what you're
11 asking me.

12 Q. Yes. And so I know you mentioned earlier that
13 your son is nine years old, so have you been
14 handling Family Court matters for the past nine
15 years on and off or is it more of a recent
16 development?

17 MS. WILLIAMS: Objection.

18 THE WITNESS: No. For about the past six years,
19 yeah.

20 BY MS. FREELY:

21 Q. Okay. And is it fair to say it's been a variety
22 of things like you described, custody, child
23 support?

1 A. No. Just those things. Nothing, I mean, just
2 those things, not a variety.

3 Q. Okay. So just those things. Thank you. What
4 did you do -- I'm going to back up for a second.
5 So I should have said this to begin with, but the
6 conversations that you have, the contents of the
7 conversations you have with your attorney or
8 attorneys are privileged, so at no point in time
9 do I want to know about their content. I might
10 ask you if you spoke to your attorney or
11 something along those lines, but I don't want you
12 to divulge anything substantive about those
13 conversations. Do you understand?

14 A. No.

15 Q. Okay. What part don't you understand?

16 A. Any of it.

17 Q. Okay. Do you understand when I say I don't want
18 you to tell me about any of the contents of the
19 conversations that you've had with your
20 attorneys?

21 A. No. I don't understand why you're telling me
22 that, no.

23 Q. I'm telling you that because that is privileged,

1 so that's confidential between yourself and your
2 attorney, so I'm trying to make sure that you
3 don't unintentionally divulge to me privileged
4 information. Does that make sense?

5 A. That makes sense.

6 MS. FREELY: Okay. And, Ms. Williams, I assume
7 you've versed him on attorney/client privilege,
8 correct?

9 MS. WILLIAMS: Yes. Yes.

10 MS. FREELY: Okay.

11 BY MS. FREELY:

12 Q. What did you do to prepare for your testimony
13 today, excluding the content of any conversations
14 with your attorney?

15 A. Nothing.

16 Q. So you did not meet with anyone to prepare for
17 today?

18 A. Excluding my attorney?

19 Q. Well, no. So this is the difference. If you met
20 with your attorney, you can say that, and I would
21 -- that would be the truthful statement, if you
22 did meet with your attorney. But I don't want
23 you to say I met with my attorney, and we

1 discussed X, Y and Z. Does that make sense?

2 A. I met with my attorney.

3 Q. Okay. And did you review any documents?

4 A. We reviewed documents.

5 Q. Okay. Did you review the complaint in this
6 matter?

7 A. I'm not sure what we reviewed exactly.

8 Q. Okay. But you did review documents?

9 A. Yeah.

10 Q. Okay. Did you speak with anyone else about this
11 deposition today besides counsel?

12 A. No, not yet.

13 Q. Have you ever spoken with any other Plaintiff in
14 this lawsuit at any time?

15 A. No.

16 Q. How did you come to be involved in this lawsuit?

17 A. I'm not sure.

18 Q. Were you approached by a member of -- I'm
19 actually going to back up. Okay. Were you
20 approached by any member of Black Love Resists In
21 The Rust?

22 A. I'm not sure.

23 Q. Were you approached by anyone else?

1 MS. WILLIAMS: Objection.

2 THE WITNESS: I don't recall.

3 BY MS. FREELY:

4 Q. Did you seek out individuals to bring this
5 lawsuit with?

6 A. Nope.

7 Q. Okay. So someone else approached you then,
8 correct?

9 A. I'm not sure.

10 Q. Okay. So is it your testimony that you do not
11 know how you came to be involved in this lawsuit?

12 A. You could say that.

13 Q. Okay. Are you aware of what the organization
14 Black Love Resists In The Rust is?

15 MS. WILLIAMS: I'm sorry. I just want to note my
16 objection to the -- that was a misstatement. I
17 think he said he wasn't sure, not that he doesn't
18 know.

19 MS. FREELY: Okay.

20 BY MS. FREELY:

21 Q. So is it your testimony that you are not sure
22 that you -- how you became involved with this
23 lawsuit?

1 A. Right.

2 Q. At one point in time did you ever know how you
3 became involved in this lawsuit?

4 A. I'm pretty sure at the beginning, yeah.

5 Q. Okay. Are you aware of what the organization
6 Black Love Resists In The Rust is?

7 A. Not much, no.

8 Q. Okay. For the sake of brevity, can we agree that
9 I will call Black Love Resists In The Rust BLRR?

10 A. BLRR, you want to call them that, sure.

11 Q. So you just stated that you're not sure what they
12 do, is that correct?

13 A. No. I'm not sure, no.

14 Q. Okay. Have you ever spoken with anyone from
15 BLRR?

16 A. My attorney.

17 Q. Okay. And are you currently or have you ever
18 been a member of BLRR?

19 A. I'm not sure. I don't think so.

20 Q. Okay. So did you have any active role in
21 bringing this litigation?

22 MS. WILLIAMS: Objection.

23 THE WITNESS: Active role, no. I don't think so. I

1 believe it was already in litigation before me.

2 BY MS. FREELY:

3 Q. Okay. And so did you join in after there had
4 been a group of Plaintiffs already?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: I'm not sure the status, I'm not sure.

7 BY MS. FREELY:

8 Q. Okay. Are you involved with any other social
9 justice or activist organizations?

10 A. No.

11 Q. And since this lawsuit was filed, have you spoken
12 with anyone about the allegations in the lawsuit,
13 besides counsel?

14 MS. WILLIAMS: Objection.

15 THE WITNESS: No.

16 BY MS. FREELY:

17 Q. Okay. Do you currently have a valid driver's
18 license?

19 A. Yes.

20 Q. And what state is that driver's license issued
21 in?

22 A. North Carolina.

23 Q. Since you first received your license have you

1 always had a valid driver's license?

2 A. No.

3 Q. When did you first lose your license?

4 A. I'm not sure.

5 Q. Was it within the past ten years?

6 A. No.

7 Q. So it was more than ten years ago?

8 A. I'm not sure actually.

9 Q. Okay. Do you recall why you lost your license?

10 A. No.

11 Q. Do you recall how, was it suspended or was it
12 revoked?

13 A. I mean, if you're talking just my complete
14 history of having a license, it may have been
15 more than one occasion, I'm not sure, but I know
16 that my license was suspended due to these
17 tickets, these tickets that we're here for today.

18 Q. Okay. So it was suspended that one time because
19 of unpaid tickets, is that correct?

20 A. Excessive tickets, yes. Excessive discriminatory
21 tickets.

22 Q. Okay. And then you may have lost your license --
23 or, it may have been suspended or revoked another

1 time, but you don't recall?

2 A. Maybe.

3 Q. Okay. When did you -- after your license was
4 suspended due to the tickets at issue here, when
5 did you regain your driver's license?

6 A. I'm not sure.

7 Q. Was it a year later, two years later?

8 A. I'm not sure.

9 Q. Okay. Do you currently own your own car?

10 A. Yeah.

11 Q. And how long have you owned that car for?

12 A. Maybe about three years.

13 Q. Okay. Can you describe -- can you tell me the
14 make of that car?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: No.

17 BY MS. FREELY:

18 Q. You don't know the make of the car that you
19 drive?

20 A. No. I don't choose to disclose that information.

21 Q. Okay. Do you recall the model of the car that
22 you drive?

23 MS. WILLIAMS: Objection.

1 THE WITNESS: No. I don't choose to disclose that.

2 BY MS. FREELY:

3 Q. Okay. And the year of the car?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: Not disclosing any of that.

6 BY MS. FREELY:

7 Q. Did you get the car from a dealership?

8 MS. WILLIAMS: Objection.

9 THE WITNESS: I don't want to disclose any of that.

10 BY MS. FREELY:

11 Q. Okay. Was this the same car that you were
12 driving in Buffalo?

13 A. I drove the car in Buffalo.

14 Q. Okay. Was this the car that you drove in 2015
15 during the time of the stops listed in the
16 complaint?

17 A. No. I had this vehicle for three years.

18 Q. Okay. And what car did you -- did you own a car
19 before that?

20 A. I've owned cars throughout my life.

21 Q. Okay. So what car did you own in 2015 during the
22 stops listed in the complaint?

23 A. I believe it was a Chevy Impala.

1 Q. Do you remember the year of the car?

2 A. 2013 maybe, I'm not sure. I think 2013.

3 Q. Did you own any other cars in 2015?

4 A. I don't think so. I'm not sure.

5 Q. And did you regularly drive any other cars in
6 2015?

7 A. I'm not sure.

8 Q. If I refer to a traffic safety checkpoint, do you
9 understand what I'm talking about?

10 A. Traffic safety checkpoint?

11 Q. Yes.

12 A. Yes.

13 Q. Okay. Can you describe your understanding of
14 what those are?

15 A. No, I can't.

16 Q. So you know what they are, but you cannot
17 describe them?

18 MS. WILLIAMS: Objection.

19 THE WITNESS: Right. I'm familiar with them, but I
20 can't describe them.

21 BY MS. FREELY:

22 Q. Why is that?

23 MS. WILLIAMS: Objection.

1 THE WITNESS: I don't know.

2 BY MS. FREELY:

3 Q. Okay. So if I represent to you that -- strike
4 that. When I refer to traffic safety checkpoints
5 I am referring to the checkpoints that were done
6 by the Buffalo Police Department to check for
7 violations of the Vehicle and Traffic Law. Do
8 you understand that?

9 MS. WILLIAMS: Objection.

10 THE WITNESS: Okay.

11 BY MS. FREELY:

12 Q. Okay. Have you ever been through a traffic
13 safety checkpoint in the City of Buffalo?

14 A. I believe so, yep.

15 Q. Okay. Do you recall how many times?

16 A. I don't know if there's different checkpoints,
17 traffic safety checkpoints or if there's, I don't
18 know, DUI checkpoints or whatever, I don't know
19 if they're all just considered traffic safety
20 checkpoints, but as far as the checkpoints that
21 I'm familiar with that I've been through, I
22 don't, I don't know if they're considered that or
23 what, if that's what you're referring to.

1 Q. So I'm not referring to DUI checkpoints, I'm
2 referring to checkpoints that were specifically
3 used to check for violations of the Vehicle and
4 Traffic Law.

5 MS. WILLIAMS: Objection to the form. I just want to
6 state on the record that there's no way Mr.
7 Palmer would know the purpose behind the
8 checkpoints.

9 MS. FREELY: Okay.

10 MS. WILLIAMS: We can just call them checkpoints, it
11 may just be easier.

12 MS. FREELY: That's fine.

13 BY MS. FREELY:

14 Q. So we can make it broad. Have you ever been
15 stopped in any kind of checkpoint in the City of
16 Buffalo?

17 A. Yes.

18 Q. Any kind of police checkpoint, excuse me?

19 A. Yes.

20 Q. Okay. How many times?

21 A. I'm not sure.

22 Q. Do you recall when?

23 A. No.

1 Q. Do you recall where?

2 A. Buffalo.

3 Q. Do you recall a specific place in Buffalo?

4 A. Multiple checkpoints throughout the East Side
5 primarily. I don't know. I'm pretty sure I
6 gave -- I've given my attorney and the
7 representatives the location or it was on -- they
8 got it off of the tickets, but I don't know
9 offhand, no.

10 Q. Okay. Do you recall how long on average you
11 waited in these checkpoints?

12 A. No.

13 Q. Do you recall on average how long you were
14 stopped for by the police in these checkpoints?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: No.

17 BY MS. FREELY:

18 Q. Do you recall if you were issued any tickets at
19 any of these checkpoints?

20 A. Yes.

21 Q. Okay. And what tickets were those?

22 A. I'm not sure. Well, actually, I'm not sure if I
23 was issued tickets at the checkpoints or not.

1 Q. Is there a reason that your experiences at
2 checkpoints were not included in your complaint?

3 MS. WILLIAMS: Objection. Objection.

4 THE WITNESS: No. I was under the impression that
5 they are included.

6 BY MS. FREELY:

7 Q. Okay. So I am going to introduce Exhibit A.

8 Okay. Can we all see my screen?

9 MS. WILLIAMS: Not well enough to read, but I can see
10 it. I don't know if Mr. Palmer can.

11 BY MS. FREELY:

12 Q. Mr. Palmer, can you see this?

13 A. No. Not clearly, no.

14 Q. Do you want me to make it bigger?

15 A. You can try.

16 Q. Okay. Can you see that?

17 A. I can see it for the most part, yeah.

18 Q. Okay. So I am just going to scroll down to where
19 we first start talking about your interactions
20 with Buffalo police officers. Can you read, you
21 don't have to read it out loud, you can read it
22 to yourself, can you read paragraph three o two
23 down through three o five?

1 A. You would like me to read that?

2 Q. Yes. You can just read it to yourself, and just
3 let me know when you're ready for me to scroll
4 down.

5 A. Okay.

6 Q. And for this one, let's reference, can you please
7 read three o six through three o seven?

8 A. Three o six and three o seven?

9 Q. Yes.

10 A. Okay.

11 Q. Okay. Are you done?

12 A. Yes.

13 Q. Okay. So do you recognize this as the complaint
14 in your lawsuit?

15 A. It looks like it.

16 Q. Okay. So from what you read, those are, I will
17 represent to you that those are your -- the
18 allegations of your interactions with Buffalo
19 police officers. Why is there no mention of any
20 of the checkpoints that you previously
21 referenced?

22 MS. WILLIAMS: Objection.

23 THE WITNESS: I'm not sure. I believe the one is.

1 BY MS. FREELY:

2 Q. Sorry?

3 A. One is, I believe the checkpoints are -- I
4 believe those might be checkpoints, at least one
5 of them, but I'm not sure. Maybe it's just not
6 listed, I don't know.

7 Q. Okay. Did you review this document before it was
8 filed at all?

9 A. I reviewed it.

10 Q. Okay. So we are going to focus in on the
11 November 4th interaction that is paragraph three
12 o two. So we will actually start, we'll focus on
13 three o one through three o four, if you need to
14 read these again, feel free, but do these
15 accurately describe the incident where you were
16 cited for a traffic violation on November 4th,
17 2015?

18 A. I'm not sure.

19 Q. You don't know if these statements are accurate
20 or not?

21 A. It depends on as far as how level of accuracy,
22 pretty accurate.

23 Q. Okay. So starting with three o one, is it true

1 that in or about 2015 you began experiencing
2 vision problems and that the sun bothered you
3 when you drove?

4 A. During that period. I wouldn't say that's when
5 it began, maybe.

6 Q. Okay. Is it true that you decided to tint your
7 car windows to address that light sensitivity?

8 A. Yes.

9 Q. Okay. And is paragraph three o two true?

10 A. I'm not sure, I believe so.

11 Q. Okay. Is paragraph three o three true?

12 A. I believe so.

13 Q. And is paragraph three o four true?

14 A. I'm not sure. I don't know if I read that.

15 Q. You can take the time to read it now.

16 MS. WILLIAMS: Can you make it bigger?

17 MS. FREELY: Yes.

18 THE WITNESS: What were you saying?

19 BY MS. FREELY:

20 Q. Is paragraph three o four true?

21 A. I believe so.

22 Q. Can you describe for me in your own words what
23 happened when you were pulled over by Officer

1 Domaracki on November 4th, 2015?

2 A. No.

3 Q. And why not?

4 A. Not comfortable with doing that at this time.

5 Q. You're not comfortable with describing
6 allegations in your complaint?

7 A. Right.

8 Q. Okay. Where were you coming from on November
9 4th, 2015 when you were pulled over by Officer
10 Domaracki?

11 A. I'm not sure.

12 Q. And what was the address that you were headed to
13 during that time?

14 A. I'm not sure.

15 Q. Do you remember around what time this incident
16 occurred?

17 A. No.

18 Q. Okay. So previously you testified that you --
19 actually, I'll back up. I'll strike that. Is it
20 true that you were going home on that day at that
21 time?

22 A. I believe so.

23 Q. Okay. And where was home at that time?

1 A. I'm not sure.

2 Q. Were you living at your aunt's address?

3 A. I'm not sure.

4 Q. Okay. So this paragraph three o three states --
5 I'll highlight actually, if I can. Yes.

6 Starting there, Mr. Palmer moved frequently, and
7 used his aunt's address on the East Side of
8 Buffalo as a permanent address. So was your
9 aunt's address where you actually resided or did
10 you have a different residential address?

11 A. Exactly as it states there. I'm not sure.

12 Q. Can you describe your interaction with Officer
13 Domaracki?

14 A. No.

15 Q. Why not?

16 A. Because I'm not sure.

17 Q. When you say you're not sure, do you mean you
18 don't recall or you don't --

19 A. Yeah.

20 Q. -- you can't remember?

21 A. For the most part. Yeah, this is a long time
22 ago. I can't give you exact, I don't have
23 photographic memory or anything like that or I

1 can't go back in time. I don't -- I'm not sure.

2 Q. Okay. So is it your testimony that you have no
3 memory of your interaction with this officer,
4 Officer Domaracki, on November 4th, 2015?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: No.

7 BY MS. FREELY:

8 Q. What is your testimony?

9 MS. WILLIAMS: Objection.

10 THE WITNESS: That my testimony is as it states, and
11 I'm not sure of anything additional.

12 BY MS. FREELY:

13 Q. Okay. Was he unprofessional to you, if you can
14 recall?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: As I stated, I don't recall anything
17 additional besides what it states.

18 BY MS. FREELY:

19 Q. Was any other officer present besides Officer
20 Domaracki?

21 A. I'm not sure.

22 Q. Can you describe the vision problems referenced
23 in paragraph three o one?

1 MS. WILLIAMS: Objection. I think we went over that,
2 with the light sensitivities.

3 MS. FREELY: Yes. So I'm just asking him to
4 describe them in more detail.

5 THE WITNESS: I have, I believe it's called
6 keratoconus disease, eye disease, that's ongoing,
7 ongoing treatment for, that started around when I
8 was thirty, early thirties, and -- yeah. I
9 believe I'm legally blind, I believe I'm legally
10 blind in one of my eyes without, without my
11 contacts or any vision assistance, glasses or
12 anything like that, this has started around that
13 time, I guess what we said, 2015, what have you.

14 BY MS. FREELY:

15 Q. Okay. And do you recall when you received your
16 diagnosis?

17 A. No.

18 Q. Okay. Do you still experience sensitivity to
19 light?

20 A. Not like before.

21 Q. Did you see a doctor when these vision problems
22 initially arose in your early thirties?

23 A. Yeah. Ongoing, ongoing treatment for that, yes.

1 Q. Okay. Would sunglasses have helped in the sun?

2 MS. WILLIAMS: Objection.

3 THE WITNESS: I believe I had sunglasses. No.

4 BY MS. FREELY:

5 Q. Okay. Did a doctor recommend that you have
6 tinted windows?

7 MS. WILLIAMS: Objection.

8 THE WITNESS: I'm not sure.

9 BY MS. FREELY:

10 Q. What sparked your decision to have your windows
11 tinted?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: As stated.

14 BY MS. FREELY:

15 Q. Which is what?

16 A. Light sensitivity and vision problems.

17 Q. Did you tint your windows yourself?

18 A. No.

19 Q. Did you have someone else tint your windows?

20 A. Professionally tinted by a tinting window
21 company.

22 Q. Do you remember what company that is, that was?

23 A. No.

1 MS. WILLIAMS: Objection.

2 BY MS. FREELY:

3 Q. Do you remember how much they charged you for
4 that?

5 A. Not exactly, no.

6 Q. Was it over a hundred dollars?

7 A. I believe so.

8 Q. Okay. Was it less than five hundred?

9 A. I believe so.

10 Q. Were you aware that your tint exceeded the degree
11 of tint allowed by law?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: No.

14 BY MS. FREELY:

15 Q. So when you asked for window tint from this
16 company, did you specify a specific level you
17 wanted?

18 MS. WILLIAMS: Objection.

19 THE WITNESS: A specific level, no.

20 BY MS. FREELY:

21 Q. So how did they know how much tint you wanted
22 applied to the windows?

23 A. By my description and the options they provided

1 me.

2 Q. How many of your windows were tinted?

3 A. Five.

4 Q. So is that your -- which windows were tinted?

5 A. Four windows and the rear window.

6 Q. The rear windshield?

7 A. Yes.

8 Q. Okay. Did the officer use a tint meter when --

9 to test how tinted your windows were on November
10 4th, 2015?

11 A. I'm not sure, I can't recall.

12 Q. Okay. Did you communicate your vision problems
13 to the officer on that date?

14 A. I'm not sure.

15 Q. So paragraph three o three states that you moved
16 frequently. Why is that?

17 MS. WILLIAMS: Objection.

18 THE WITNESS: I'm not sure.

19 BY MS. FREELY:

20 Q. So was it your aunt's address that was on your
21 license, your driver's license?

22 A. I'm not sure.

23 Q. Do you remember what license -- what address was

1 listed on your license at that time?

2 A. No.

3 Q. Why did you use your aunt's address as your
4 permanent address?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: I'm not sure.

7 BY MS. FREELY:

8 Q. Would it have been so that you could receive mail
9 there?

10 A. I'm not sure.

11 Q. Did you ever retrieve mail from your aunt's
12 address?

13 MS. WILLIAMS: Objection.

14 THE WITNESS: Yeah.

15 BY MS. FREELY:

16 Q. So did you use your aunt's address to have things
17 mailed to you?

18 A. I'm not sure what you're asking me.

19 Q. Did you list your aunt's address when you were
20 receiving mail, for example, if you were ordering
21 packages or did you expect to receive DMV notices
22 or any kind of notices at your aunt's address?

23 MS. WILLIAMS: Objection. Objection.

1 THE WITNESS: I used, I used that address as a
2 mailing address in the past, yes.

3 BY MS. FREELY:

4 Q. Okay. So paragraph three o four notes that you
5 received three tickets that day. Did you
6 challenge any of those tickets in court?

7 A. I'm not sure.

8 Q. You don't -- you're not sure if you went to court
9 for these tickets?

10 A. Right.

11 Q. Okay. Do you recall what the fines were for
12 these tickets?

13 A. No.

14 Q. Did you pay them outright?

15 A. Yes, I did.

16 Q. And do you recall how much you paid?

17 A. No.

18 Q. Do you recall when you paid them?

19 A. No.

20 Q. Was it immediately after you received the tickets
21 or within -- was it immediately after you
22 received the tickets?

23 A. No.

1 Q. Was it within a month?

2 A. No.

3 Q. Was it within six months?

4 A. No. It was years. Years. Year plus, years.

5 Years I was -- my license was suspended for

6 years. I was affected by that for multiple

7 years, as far as I remember. It took me a while

8 to pay that off. A thousand plus dollars if I

9 recall.

10 Q. So the license being suspended though came after
11 this incident, correct?

12 A. I'm not sure.

13 Q. You don't remember if your license was suspended
14 as a result of these tickets before or after you
15 received the tickets?

16 MS. WILLIAMS: Objection.

17 THE WITNESS: I'm pretty sure if my license was
18 suspended I would have got arrested, so if I was
19 to guess, I would say my license was not
20 suspended or I would have gotten a ticket for
21 that.

22 BY MS. FREELY:

23 Q. Okay. Why did you wait to pay these tickets?

1 A. Wasn't financially able to.

2 Q. Approximately how long did Officer Domaracki have
3 you pulled over for?

4 A. I believe you asked me this already.

5 Q. I did not.

6 A. You asked me how long I was pulled over for, how
7 long did I have to wait for these traffic stops.
8 I don't know if this is something different, but
9 I'm not sure.

10 Q. I asked you that in reference to checkpoints, now
11 I'm asking you in reference to the November 4th,
12 2015 incident where you were pulled over by
13 Officer Domaracki. How long, approximately how
14 long were you pulled over for?

15 A. I'm not sure.

16 Q. Were you ever arrested during this incident?

17 A. I was arrested during one of these incidents, I'm
18 not sure if it was this one.

19 Q. Okay. Is there a reason why that arrest is not
20 detailed in this complaint?

21 MS. WILLIAMS: Objection.

22 THE WITNESS: No. I'm not sure.

23 BY MS. FREELY:

1 Q. Okay. So after this incident on November 4th,
2 2015, did you update your address on file with
3 the DMV?

4 MS. WILLIAMS: Objection.

5 THE WITNESS: I'm not sure.

6 BY MS. FREELY:

7 Q. I'm sorry. I think the two talking at the same
8 time cut Charles out for me. What did you say,
9 Charles?

10 MS. WILLIAMS: Sorry.

11 THE WITNESS: I'm not sure.

12 BY MS. FREELY:

13 Q. Do you know the difference between a permanent
14 address and a current address?

15 A. No.

16 Q. Okay. A permanent address is something that
17 someone uses like your aunt's address, for the
18 purposes of mail, where they know they can
19 receive mail. Whereas a current address might be
20 different from a permanent address, if someone
21 resides or lives at a different address. Do you
22 understand that?

23 A. It sounds good.

1 Q. Okay. Did you know that the DMV allows you to
2 have two separate addresses on file, one for your
3 permanent address where you receive mail, and the
4 other a current residential address?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: I believe so.

7 BY MS. FREELY:

8 Q. So is there a reason you did not have your
9 current address on file at the DMV?

10 MS. WILLIAMS: Objection.

11 THE WITNESS: I never said my current address wasn't
12 on file.

13 BY MS. FREELY:

14 Q. Was your aunt's address your current address at
15 the time of the November 4th, 2015 stop?

16 A. I'm not sure.

17 Q. Did you reside with your aunt during 2015?

18 A. I don't recall.

19 Q. So do you remember what the address was that was
20 on file with the DMV at that time?

21 A. No.

22 Q. Did you know that you can update your current
23 address and your permanent address for free with

1 the DMV?

2 MS. WILLIAMS: Objection.

3 THE WITNESS: No, I didn't know that.

4 BY MS. FREELY:

5 Q. Okay. Did you know that you can make that change
6 online, via mail or in person at the DMV?

7 A. No.

8 MS. WILLIAMS: Objection.

9 BY MS. FREELY:

10 Q. Did you ever check to see what address was on
11 file with the DMV after this incident?

12 A. No. It was on my driver's license, my address is
13 listed on my driver's license.

14 Q. And was that address your aunt's address?

15 A. I'm not sure.

16 Q. Do you recall what address that was?

17 A. I'm not sure.

18 Q. Okay. Did you remove the window tint after this
19 incident?

20 A. I believe so.

21 Q. Did you have it professionally removed?

22 A. I don't recall.

23 Q. Okay. And approximately how long after November

1 4th, 2015 did you have the window tint removed?

2 A. I'm not sure if I got it removed or if I didn't
3 or when or if it was never removed or not.

4 Q. So are you amending your prior statement that you
5 previously said that it was removed, are you
6 amending that to say you're not sure?

7 A. No. I don't believe I said it was removed.

8 MS. FREELY: Nikki, can you read that back?

9 (Whereupon, the above-requested answer was
10 then read back by the reporter.)

11 BY MS. FREELY:

12 Q. So are you amending that statement that in which
13 you said I believe it was removed, I believe so,
14 to say you're not sure now?

15 A. Yeah, I'm not sure. I believe so, but I don't, I
16 don't think -- I don't know. I don't believe I
17 had the -- yeah, I'm not sure.

18 Q. Okay. So we are going to move on to the next
19 incident, I'm going to scroll down, again, if you
20 need this bigger, let me know. Okay. I don't
21 think -- do you just want to read paragraph three
22 o five here and then I'll move on to paragraph
23 three o six.

1 A. Who, me?

2 Q. Yes.

3 A. Okay. Okay.

4 Q. Okay. Does this -- do these paragraphs, and if
5 you need me to scroll down or up at any point in
6 time during this, please let me know, do these
7 paragraphs, paragraph three o five and three o
8 six accurately describe the incident on January
9 15th, 2016?

10 A. I'm not sure.

11 Q. Okay. Can you tell me in your own words what
12 happened during this incident?

13 A. No. I'm not sure.

14 Q. Is it true that on or about January 15th, 2016
15 you were pulled over by Strike Force Officer Adam
16 Wigdorski on Newburgh and East Delavan on the
17 East Side and given five tickets?

18 A. Sounds about right.

19 Q. And is it true that Officer Wigdorski asked you
20 where you were going and ticketed you because the
21 address you gave did not match the address on
22 your license?

23 A. It sounds about right.

1 Q. Did you tell Officer Wigdorski that you were
2 headed home?

3 A. I don't recall that. I don't think so.

4 Q. Okay. Where were you coming from that day?

5 A. I'm not sure.

6 Q. And do you recall the address that you were
7 headed to?

8 A. No.

9 Q. Do you remember what time this occurred at?

10 A. No.

11 Q. And can you describe your interaction with the
12 officer at all?

13 A. No.

14 Q. Was any other officer present besides Officer
15 Wigdorski?

16 A. I'm not sure.

17 Q. Okay. And did Officer Wigdorski use a tint meter
18 to test how tinted your windows were?

19 A. I'm not sure.

20 Q. Did you communicate your vision problems to the
21 officer?

22 A. I'm not sure.

23 Q. So is it your testimony that you're not sure

1 about any of the details related to this incident
2 on January 15th, 2016?

3 MS. WILLIAMS: Objection.

4 THE WITNESS: You can say that I don't recall any of
5 that, you're right, correct. No, I don't recall
6 it at this moment, no.

7 BY MS. FREELY:

8 Q. Okay. Did you challenge these five tickets in
9 court?

10 A. I'm not sure.

11 Q. And do you remember the fines associated with
12 these five tickets?

13 A. Do I remember them?

14 Q. Yes.

15 A. Not exactly.

16 Q. What do you mean when you say not exactly?

17 A. I remember the tickets, I don't recall exactly
18 how much they were or any of the details. I
19 recall getting ticketed.

20 Q. Okay. And did you pay these immediately after
21 you received them or did you pay them at the same
22 time you paid the November 4th tickets?

23 A. I believe I paid them all at the same time.

1 Q. Okay. Approximately how long did the officer
2 have you pulled over on January 15th, 2016?

3 A. I'm not sure.

4 Q. Were you arrested during this incident at all?

5 A. I'm not sure.

6 Q. Were you ever asked to step out of the car during
7 this incident?

8 A. I don't recall.

9 Q. Did you update the address on file with the DMV
10 after this incident?

11 MS. WILLIAMS: Objection.

12 THE WITNESS: I don't remember.

13 BY MS. FREELY:

14 Q. Did you remove the window tint on your car
15 windows after this incident?

16 MS. WILLIAMS: Objection.

17 THE WITNESS: I'm not sure.

18 MS. FREELY: Okay. Keisha, can we take -- actually,
19 can we take an early lunch? Can we come back at
20 like noon, does that work for you, Mr. Palmer?

21 THE WITNESS: Sure.

22 MS. FREELY: All right. Perfect. See everyone at
23 noon then.

1 MS. WILLIAMS: Okay.

2 (Whereupon, a lunch recess was then taken.)

3 BY MS. FREELY:

4 Q. So just to recap, we just covered the January
5 15th, 2016 incident that was detailed in the
6 complaint. So I am going to move on to the last
7 incident, the June 5th, 2016 incident.

8 MS. WILLIAMS: I was just saying, did you say
9 November 14, 2015?

10 MS. FREELY: No. I said I just covered the January
11 15th, 2016 incident.

12 MS. WILLIAMS: Oh, I'm sorry.

13 MS. FREELY: That's okay.

14 BY MS. FREELY:

15 Q. Okay. Mr. Palmer, I am going to direct your
16 attention to paragraph three o seven, and I will
17 make it a little bigger. Can you read three o
18 seven to yourself?

19 A. That's good.

20 Q. Okay.

21 A. You said three o seven?

22 Q. Yes.

23 A. Okay. Okay.

1 Q. Okay. Does this accurately reflect -- I'm sorry.
2 One second. Does this accurately reflect the
3 June 5th, 2016 incident that you experienced?

4 A. I don't know. It sounds about right.

5 Q. Okay. And can you tell me in your own words the
6 details of this June 5th, 2016 incident?

7 A. No, I can't. I don't recall it.

8 Q. Okay. And do you recall where you were coming
9 from on June 5th, 2016?

10 A. No.

11 Q. Do you remember where you were headed to?

12 A. No.

13 Q. And do you remember around what time this
14 occurred?

15 A. No.

16 Q. Okay. Can you describe your interaction with
17 Officer Charles Miller?

18 A. No.

19 Q. Why can't you describe that interaction?

20 A. I don't recall.

21 Q. Okay. Was any other officer present besides
22 Officer Miller?

23 A. I'm not sure.

1 Q. And did Officer Miller use a tint meter to test
2 out how your windows were before he gave you the
3 four tickets?

4 A. I don't recall.

5 Q. Were you aware that your registration had expired
6 on June 5th, 2016?

7 A. No.

8 Q. So did you -- strike that. Do you have any way
9 to make sure that you keep up with your vehicle
10 registration?

11 MS. WILLIAMS: Objection.

12 THE WITNESS: No.

13 BY MS. FREELY:

14 Q. So do you try to keep up with your vehicle
15 registration to make sure it's up-to-date?

16 A. Yes.

17 Q. And do you have any calendar reminder for that or
18 anything else of that nature?

19 MS. WILLIAMS: Objection.

20 THE WITNESS: No.

21 BY MS. FREELY:

22 Q. Do you believe it's the driver's responsibility
23 to keep their registration up-to-date?

1 A. Yes.

2 Q. Do you believe that it was your responsibility to
3 keep your registration up-to-date?

4 A. Yes.

5 Q. So do you believe that Officer Miller should have
6 written you a ticket for an expired registration?

7 MS. WILLIAMS: Objection.

8 THE WITNESS: It's discretionary.

9 BY MS. FREELY:

10 Q. Okay. And when you say discretionary, can you
11 explain a little bit further?

12 A. It was one day expired, it was discretionary
13 whether he wanted to be strict on that or give me
14 a warning or notification, seeing as though it
15 had just expired twenty-four hours prior, but
16 it's definitely my responsibility.

17 Q. Do you believe that Officer Miller should have
18 made an exception for you and not written you a
19 ticket?

20 MS. WILLIAMS: Objection.

21 THE WITNESS: No.

22 BY MS. FREELY:

23 Q. So do you believe that he -- strike that. So do

1 you believe that he was justified in writing you
2 this ticket?

3 A. Yes.

4 Q. Okay. Did you challenge any of these, in total,
5 five tickets from the June 5th, 2016 incident?

6 A. I'm not sure. I don't believe so.

7 Q. Okay. Do you recall how much the fines were for
8 these five tickets?

9 A. No.

10 Q. And did you pay them immediately or did you pay
11 them when you paid your prior tickets that we've
12 discussed?

13 A. Paid all the tickets at the same time.

14 Q. Okay. Approximately how long did Officer Miller
15 have you pulled over for?

16 A. I'm not sure.

17 Q. Do you recall if he asked you to step out of the
18 car at all?

19 A. I don't recall.

20 MS. WILLIAMS: Objection.

21 BY MS. FREELY:

22 Q. And were you ever arrested during this incident?

23 A. I don't recall.

1 Q. Okay. Earlier you stated that you believed you
2 were arrested during one of these incidents. Is
3 it your testimony today that you don't recall
4 which incident that was?

5 A. Correct.

6 Q. Okay. Regardless of --

7 A. Pretty sure it was the last incident, if this is
8 the last incident -- matter of fact, I'm pretty
9 sure it was this incident, but I don't recall for
10 sure, but I'm pretty sure it was. If this is the
11 last incident, I'm pretty sure it was this
12 incident, but I don't recall for sure.

13 Q. Okay. And just to clarify, we are talking about
14 the June 5th, 2016 incident, that is indeed the
15 last incident that is detailed in your complaint.

16 A. And what was the location, this was in North
17 Buffalo?

18 Q. I can pull it up again.

19 MS. WILLIAMS: It was Bailey and Kensington on the
20 East Side.

21 MS. FREELY: Yes.

22 THE WITNESS: Oh, I'm not sure. I'm not sure.

23 BY MS. FREELY:

1 Q. Okay. Did you remove the window tint after this
2 last incident, the June 5th incident?

3 A. I don't recall.

4 Q. Okay. Does reading paragraph three o eight
5 refresh your memory?

6 A. No.

7 Q. Okay. So paragraph three o eight reads, plagued
8 by the constant tickets, Mr. Palmer inquired
9 about having the tint on his car removed. He
10 learned that removal would cost approximately one
11 hundred and thirty dollars. At the time Mr.
12 Palmer had not had a carpentry job in a while and
13 could not afford to have the tints removed, nor
14 could he afford to pay the tickets. So do you
15 recall if you ever had the tints removed
16 subsequent to June 5th, 2016?

17 A. It don't sound like it, no. Not yet.

18 Q. Okay. Do you recall if you sold the car back to
19 the dealership with the tints on?

20 MS. WILLIAMS: Objection.

21 THE WITNESS: Possibly.

22 BY MS. FREELY:

23 Q. Okay. With respect to all of these incidents,

1 the three that we've talked about today, and the
2 three that are obviously in your complaint, did
3 you ever file a complaint with the Buffalo Police
4 Department?

5 MS. WILLIAMS: Objection.

6 THE WITNESS: About what?

7 BY MS. FREELY:

8 Q. About the allegations in your complaint.

9 A. I'm not sure. I don't recall.

10 Q. Okay. Do you believe you were targeted by the
11 Buffalo Police Department during these traffic
12 stops?

13 MS. WILLIAMS: Objection.

14 THE WITNESS: Individually, racially, I'm not sure
15 what magnitude you're speaking on.

16 BY MS. FREELY:

17 Q. Any, in any way do you believe you were targeted
18 by the Buffalo Police Department as a result of
19 these stops?

20 A. Yes.

21 Q. Okay. Why do you believe that?

22 A. Because I'm under the impression that's the
23 nature of this case, of these checkpoints being

1 placed in these discriminatory locations,
2 targeting certain groups of people, and I was one
3 of those people in that group.

4 Q. So you just referenced the checkpoints, however,
5 there's no reference to the checkpoints in
6 your -- in the part of the complaint dealing with
7 your allegations. So --

8 MS. WILLIAMS: Objection.

9 BY MS. FREELY:

10 Q. -- how is that relevant to your allegations?

11 MS. WILLIAMS: Objection.

12 THE WITNESS: I'm not sure. I mean, that's a part of
13 it, whether it's included in this or not, I mean,
14 it happened to me. I don't know if it's included
15 in this or not, as I stated, but that was an
16 example, even with these -- which these are
17 pretty much the same, officers it seems like in
18 the same area, the same locations, and the same
19 experiences, so that's how I came to that belief
20 and theory based on my experience.

21 BY MS. FREELY:

22 Q. So was there anything with respect to your actual
23 interactions with the officers that led you to

1 believe you were targeted?

2 MS. WILLIAMS: Objection.

3 THE WITNESS: Yes. The complete experience, the
4 whole experience from the stop to the ending
5 results, to the suspension of my license for an
6 extended period of time. And all of the other
7 effects it caused.

8 BY MS. FREELY:

9 Q. Throughout today's testimony in response to my
10 questions about your interactions with these
11 police officers, you've largely answered that you
12 don't recall, you don't remember or that you're
13 not sure, so how can you be sure that you have
14 been targeted by the Buffalo Police Department?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: I'm just referring to my experiences
17 that we stated and that we have evidence of these
18 tickets and dates, times and officers' names, and
19 there may be more that are not mentioned that I
20 may be referring to, as I stated that this is a
21 time ago, and I'm not for sure the specific
22 details, but I am pretty certain on my overall
23 experience.

1 BY MS. FREELY:

2 Q. So you referenced a couple things there. But you
3 said, for one, based on the dates, this is
4 pointing you to believe that you were targeted.
5 What about these dates makes you believe that you
6 were targeted?

7 MS. WILLIAMS: Objection.

8 THE WITNESS: No. I don't think that's -- that's a
9 misunderstanding. I was referring to the
10 checkpoints and the dates that are provided here
11 are correlating. But I don't know if you have
12 that information, you stated you don't have any
13 checkpoint information, so that's why I stated to
14 you that my overall experience collaborated with
15 what's listed here.

16 BY MS. FREELY:

17 Q. Okay. Just so that I'm clear on your testimony.
18 Are you saying that because you believe the
19 checkpoints were run during the same time frame
20 that you were pulled over, that contributes to
21 your belief of targeting by the BPD?

22 A. I'm not sure.

23 Q. Okay. So then can you explain what you meant?

1 A. No. I'm not sure.

2 MS. WILLIAMS: Objection.

3 BY MS. FREELY:

4 Q. You also pointed to the tickets themselves as
5 evidence of targeting by the Buffalo Police
6 Department. What about the tickets themselves
7 led you to believe that you were targeted by the
8 BPD?

9 A. I'm not sure.

10 Q. And then you also cited the names of the officers
11 involved as contributing to your belief that you
12 were targeted by the BPD. Can you explain what
13 the names of the officers have to do with that
14 belief?

15 MS. WILLIAMS: Objection.

16 THE WITNESS: No. I don't know the names of the
17 officers, I'm not sure.

18 BY MS. FREELY:

19 Q. So you just listed a number of reasons that we've
20 gone over that lead you to believe that you were
21 targeted by the BPD, but when I asked you to
22 explain those reasons, you're not sure, is that
23 correct?

1 A. Yes. That's correct.

2 Q. Okay. Do you believe that the Buffalo police
3 officers should have made an exception for you
4 during any of these incidents and not ticketed
5 you?

6 MS. WILLIAMS: Objection.

7 THE WITNESS: No. I feel they should have been fair
8 all across the board.

9 BY MS. FREELY:

10 Q. And what does fair all across the board mean to
11 you?

12 A. That, under my understanding, is that this, that
13 this complaint is about specific targeting in
14 specific neighborhoods and locations towards a
15 specific group of people, so that's what I mean
16 by targeted.

17 Q. And what group of people are you referencing?

18 A. Whatever group that is being represented in this
19 complaint.

20 Q. Okay. So if I represented to you that this
21 complaint refers to the targeting of black and
22 brown people, would that sound familiar to you?

23 A. I'm not sure. I would have to get specific

1 information on that, whoever it is. I can tell
2 you who I am.

3 Q. Can you see paragraph five?

4 A. Okay.

5 Q. Do you see where it says the city places the
6 checkpoints overwhelmingly in black and Latino
7 neighborhoods, predominantly in Buffalo's highly
8 segregated East Side. Does that sound familiar
9 to you?

10 A. I mean, this looks like what I've been talking
11 about. I don't know why you're trying to confuse
12 me like you don't know what I'm talking about, it
13 sounds like what I've been expressing to you,
14 that you act like you didn't know anything about.
15 You said it wasn't listed in this complaint.

16 Q. I never said that. I'm trying to clarify. You
17 referenced a group of people that was being
18 targeted by the Buffalo Police Department, but
19 you could not tell me what that group of people
20 is, so I'm trying to refresh your recollection.

21 MS. WILLIAMS: Objection.

22 BY MS. FREELY:

23 Q. I'm trying to refresh your recollection, and I'm

1 asking you if you believe that the Buffalo Police
2 Department has been targeting black and Latino
3 neighbors?

4 A. What I was referring to is the checkpoints, I
5 guess I overlooked that. I just see that it says
6 these checkpoints, and you said checkpoints
7 wasn't listed here, and that's what kind of threw
8 me off.

9 Q. Mr. Palmer, I never said checkpoints were not
10 listed here. I said checkpoints are not listed
11 in your allegations specific to yourself.

12 A. Okay. So what are we talking about?

13 Q. Back to my initial question, do you believe that
14 you were targeted as a result of your race by the
15 Buffalo Police Department?

16 A. I'm not sure.

17 Q. Okay. So then why did you join this lawsuit --

18 MS. WILLIAMS: Objection.

19 BY MS. FREELY:

20 Q. -- alleging -- why did you join this lawsuit
21 alleging discrimination against black and Latino
22 communities by the Buffalo Police Department?

23 A. I fall in that classification.

1 Q. I'm sorry. Can you repeat that? I just didn't
2 hear you.

3 A. I fall within those classifications.

4 Q. Okay. So is it your belief that because you
5 identify as a black man, because you were pulled
6 over in the City of Buffalo, that you were
7 targeted as a result of your race?

8 A. Yes.

9 Q. Okay. Do you believe that all black men pulled
10 over in the City of Buffalo have been targeted as
11 a result of their race by the Buffalo Police
12 Department?

13 MS. WILLIAMS: Objection.

14 THE WITNESS: I can't answer that.

15 BY MS. FREELY:

16 Q. But why can you say that for certain with respect
17 to yourself?

18 MS. WILLIAMS: Objection.

19 THE WITNESS: Because I can speak on my experiences.

20 BY MS. FREELY:

21 Q. But again, today you responded that you were
22 unsure, you don't remember, and you don't recall
23 most of these experiences, so I'm asking, what is

1 pointing you to believe that you specifically
2 have been targeted by the Buffalo Police
3 Department?

4 MS. WILLIAMS: Objection. I think we've asked and
5 answered that a few times. He does not know, he
6 said he's part of the group in total, he can't
7 say exactly why, but he's a part of the targeted
8 group. We have data in the complaint, and Mr.
9 Palmer is not -- he's given his own experience,
10 he can't speak for the entire group.

11 MS. FREELY: And I'm asking him for his own
12 experience as to why he thinks specifically that
13 he was targeted. He can only articulate the fact
14 that he's a part of this group and that he was
15 pulled over. So I'm just trying to make sure
16 we're clear here.

17 BY MS. FREELY:

18 Q. Is there anything else that leads you to believe,
19 besides your race and the fact that you were
20 ticketed, that you've been targeted by the
21 Buffalo Police Department?

22 A. Yes.

23 Q. And what would that be?

1 A. The fact that I meet other people with the same
2 experience and they're similar race and similar
3 experience, and similar locations, and that's --
4 I'm pretty sure that's how I came across this
5 program or what have you, or organization, that's
6 the whole point of it, is to come together and
7 stand up together against discrimination and
8 against racism, and just violation of rights in
9 general, so that's my stance and my belief.

10 Q. And do you believe your rights were violated
11 based on these incidents?

12 A. I believe so. If the statistics show that this
13 only happened in certain neighborhoods to certain
14 people and not in other neighborhoods to other
15 people, then I would say yes, that's definitely
16 targeted.

17 Q. Okay. So paragraph three o nine, right here,
18 this short paragraph, states that in or around
19 June 2016, Mr. Palmer learned that his license
20 had been suspended due to unpaid tickets. Is
21 that true?

22 A. I'm not sure who said that.

23 Q. Did you say you're not sure who said that?

1 A. I said I'm not sure who said that.

2 Q. Well, in or around June 2016 did you learn that
3 your license was suspended?

4 A. Oh, yeah. That sounds about right, yeah. Okay.

5 Q. How did you learn that your license was
6 suspended?

7 A. Probably by getting pulled over and ticketed or
8 notification, I'm not sure.

9 Q. Okay. So you're not sure whether you were pulled
10 over again and given another ticket?

11 A. No.

12 Q. Okay. Can you review paragraph three ten and
13 three eleven, and just read them to yourself and
14 let me know when you're done?

15 A. You said three ten and what, three eleven?

16 Q. Yes.

17 A. Okay.

18 Q. Okay. So do you remember when you returned your
19 car to the dealership?

20 A. No.

21 Q. Was it in 2016?

22 A. I believe so.

23 Q. Okay. And when you returned your car to the

1 dealership -- strike that. Were you leasing that
2 car?

3 A. No.

4 Q. Did you own that car?

5 A. No.

6 Q. So how did you have possession of that car?

7 A. It was financed.

8 Q. Okay. So when you returned it to the dealership,
9 did you get any money from the dealership?

10 A. Did I get any money?

11 Q. Yes. In return for the car.

12 MS. WILLIAMS: Objection.

13 THE WITNESS: I don't care to answer that.

14 BY MS. FREELY:

15 Q. You're refusing to answer whether you received
16 compensation for the car from the dealership?

17 A. I'm not sure. I'm not comfortable talking about
18 that, I don't find the relevancy.

19 Q. Okay. Again, I'm not going to argue relevance
20 with you, but please know that I will be making a
21 motion at the end of this to compel your answers
22 and for sanctions to have you dismissed from this
23 action.

1 MS. WILLIAMS: Objection.

2 BY MS. FREELY:

3 Q. So let's see -- okay. So three eleven discusses
4 how you could no longer accept carpentry jobs
5 from the union if they were not accessible via
6 public transportation. Is that true?

7 A. Yep.

8 Q. And could you have used a taxi or rideshare
9 service like Uber to accept carpentry jobs and go
10 out to those if they were not accessible via
11 public transportation?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: No.

14 BY MS. FREELY:

15 Q. Why not?

16 A. I'm not sure.

17 Q. Have you ever used a rideshare service?

18 MS. WILLIAMS: Objection.

19 THE WITNESS: I have.

20 BY MS. FREELY:

21 Q. Okay. When was the last time you were pulled
22 over by the Buffalo Police in the City of
23 Buffalo?

1 A. I'm not sure.

2 Q. Have you been pulled over by the Buffalo Police
3 in the City of Buffalo after June 2016?

4 A. I'm not sure.

5 Q. And were you pulled over by the Buffalo Police
6 Department prior to November 4th, 2015?

7 A. I'm not sure.

8 Q. Prior to all of the incidents listed in the
9 complaint, have you ever received a traffic
10 ticket before?

11 A. You said prior?

12 Q. Yes.

13 A. I'm not sure. I believe my license was clean
14 before all of these tickets.

15 Q. And by clean, what do you mean?

16 A. Before and after I didn't have a -- it wasn't
17 suspended. I've had a license since I was
18 sixteen I believe.

19 Q. Okay. So by clean, you mean prior to these
20 incidents it had not been suspended?

21 A. I mean, that my license wasn't suspended until I
22 got these tickets.

23 Q. Okay. But prior to these incidents, do you

1 remember if you had ever received a traffic
2 ticket before?

3 A. I'm not sure.

4 MS. WILLIAMS: Objection.

5 BY MS. FREELY:

6 Q. And have you received any traffic tickets since
7 2016?

8 A. I'm not sure.

9 Q. Paragraph three thirteen, can you see that?

10 A. Yes.

11 Q. Okay. It states, in 2018 Mr. Palmer used one of
12 his veterans' compensation checks to pay his
13 outstanding traffic tickets. He believes he paid
14 around three thousand dollars. Have you always
15 received these veterans' compensation checks
16 since you left the service?

17 A. No.

18 Q. Okay. When did you first begin receiving them?

19 A. I'm not sure.

20 Q. Did you begin receiving them prior to 2015?

21 A. I'm not sure.

22 Q. Did you begin receiving them in 2016?

23 A. I stated I'm not sure.

1 Q. Okay. This is a different question. I'm asking
2 you per year, do you remember receiving them in
3 2017?

4 A. You asked me if I remember when I received them,
5 I said I'm not sure.

6 Q. Yes. And now I'm asking you by year to see if
7 you remember the year. So in 2017, do you recall
8 whether you started receiving veterans'
9 compensation checks then?

10 A. I don't recall.

11 Q. Okay. Do you still receive these checks today?

12 MS. WILLIAMS: Objection.

13 THE WITNESS: I don't know what you're referring to.

14 BY MS. FREELY:

15 Q. Do you still receive the veterans' compensation
16 checks today?

17 MS. WILLIAMS: Objection.

18 THE WITNESS: Disability, yeah.

19 BY MS. FREELY:

20 Q. Okay. And how often do you receive these checks?

21 A. Monthly.

22 Q. And when did you start claiming disability?

23 A. I'm not sure.

1 MS. WILLIAMS: Objection.

2 BY MS. FREELY:

3 Q. Was it prior to 2015?

4 A. I'm not sure.

5 Q. Why did you not use money from your veterans'
6 compensation checks to pay your tickets when you
7 got them?

8 MS. WILLIAMS: Objection.

9 THE WITNESS: It states why.

10 BY MS. FREELY:

11 Q. It does not.

12 A. Okay. I'm not sure.

13 MS. WILLIAMS: Objection.

14 BY MS. FREELY:

15 Q. Were you aware that your license would be
16 suspended if you did not pay off your tickets
17 within a certain amount of time?

18 A. I'm not sure.

19 Q. Could you afford to pay off your tickets
20 referenced in this complaint when you received
21 them?

22 A. No.

23 Q. What was your income, what was your -- what forms

1 of income did you have during that 2015-2016?

2 MS. WILLIAMS: Objection.

3 THE WITNESS: I'm not sure. I believe it was limited
4 income at that time. As it states, I was working
5 off and on as a carpenter.

6 BY MS. FREELY:

7 Q. Is it your testimony that you're not sure whether
8 or not you were receiving veterans' compensation
9 checks at that time?

10 A. No, I'm not sure. I don't believe so.

11 Q. Last couple questions from me. Paragraph three
12 fourteen, the second sentence right here,
13 although he drives on occasion in rental cars and
14 would like to drive more, he limits his driving
15 because he fears that the BPD will continue to
16 target, harass, and ticket him. Earlier you
17 stated that you own your own car now. So when
18 did you stop renting cars to get around?

19 MS. WILLIAMS: Objection.

20 THE WITNESS: I stated I got this car, the current
21 vehicle, three years ago.

22 BY MS. FREELY:

23 Q. Okay. And do you still have the same fear

1 referenced in paragraph three fourteen?

2 A. Yes.

3 Q. Do you have an up-to-date registration currently?

4 A. Yes.

5 Q. Do you have an up-to-date inspection currently?

6 A. I believe so.

7 Q. And do you know if your windows are tinted beyond
8 the level allowed by law currently?

9 A. No. I don't have any tints.

10 Q. Okay. Does the DMV have your current residential
11 address on file?

12 A. Yeah.

13 Q. And are you aware of whether or not your vehicle
14 is in violation of any other laws regarding the
15 Vehicle and Traffic Law?

16 A. As far as I know.

17 Q. Okay. Earlier you referenced that you have plans
18 in the future to visit Buffalo. Do you believe
19 that the BPD will pull you over even if you have
20 not violated the law?

21 A. They shouldn't.

22 Q. Did you say they shouldn't?

23 A. Right.

1 Q. Do you believe that they will?

2 MS. WILLIAMS: Objection.

3 THE WITNESS: I don't know.

4 BY MS. FREELY:

5 Q. So where is this fear coming from, that you will
6 continue to be targeted, harassed and ticketed?

7 MS. WILLIAMS: Objection.

8 THE WITNESS: Experiences.

9 BY MS. FREELY:

10 Q. Which experiences?

11 A. The ones we stated.

12 Q. Okay. Did you review this complaint before it
13 was filed for accuracy?

14 MS. WILLIAMS: Objection.

15 THE WITNESS: You asked me that before.

16 BY MS. FREELY:

17 Q. Okay. And what was the answer?

18 A. I'm not sure. I believe I said --

19 MS. WILLIAMS: He said yes. He said yes.

20 THE WITNESS: I believe I said that we reviewed this.

21 MS. FREELY: Okay. Those are all the questions I
22 have.

23 Keisha, do you have anything?

1 MS. WILLIAMS: Yes. I just have a few questions.

2

3 EXAMINATION BY MS. WILLIAMS:

4

5 Q. Charles, if you could just bear with me for a few
6 minutes, I know it's been a long morning. Just
7 to go back to the complaint, and I can share my
8 screen, but I don't necessarily need to, I just
9 wanted to know whether or not the facts as they
10 were summarized in the complaint, was there
11 anything that you think that was wrong or
12 incorrect when you reviewed it for counsel?

13 A. No.

14 Q. And so it's your testimony that it accurately
15 summarizes your experience when you met with
16 whoever drafted the complaint?

17 A. Yes.

18 Q. On one occasion you were ticketed, the first
19 occasion on November 4th, 2015, you were ticketed
20 by Officer Domaracki, he issued you two tickets
21 for tinted windows, and one for failure to change
22 your address. Do you remember why Officer
23 Domaracki pulled you over, did he say why he

1 pulled you over?

2 A. I don't recall exactly. I believe it was for the
3 tints.

4 Q. Okay. And I can -- I think if I could just share
5 for a minute, I'll just share screen, so this
6 is --

7 MS. FREELY: Do we want to mark this as Exhibit B?

8 MS. WILLIAMS: Sure. Yes. Thank you.

9 BY MS. WILLIAMS:

10 Q. So we're going to mark this as Exhibit B, it's
11 one of the tickets that you were issued on
12 November 4th, 2015 by Officer Jared -- J.
13 Domaracki. This ticket is for failure to notify
14 DMV of your address. And it states in the
15 amended complaint that you told Officer Domaracki
16 that you were going home, and so it says that
17 because the address on your driver's license did
18 not match the address where you were residing at
19 the time, you were issued this ticket for failure
20 to update your address. I am going to also
21 share, and I would like to have this marked as
22 Exhibit C, this is DMV form MV-232, this form
23 says the New York State law requires that you

1 notify DMV within ten days of any permanent
2 address change if you have a New York State
3 driver's license, learner permit or non-driver ID
4 card, or a New York State registration for a
5 vehicle, boat or snowmobile. It says do, all
6 caps, not report a temporary address change. Can
7 you testify today or do you remember whether or
8 not when you spoke to Officer Domaracki in 2015,
9 whether or not you had a permanent change of
10 address that you had to report or whether or not
11 it was a temporary address?

12 A. Temporary.

13 Q. Thank you. It also said, and this is the
14 complaint, Officer Domaracki gave you two tickets
15 for tinted windows, and I'm just going to go back
16 to Exhibit B to look at the tickets for the
17 tinted windows, it's four-thirty-five p.m.,
18 November 4th, 2015. I just want to confirm that
19 you grew up in Buffalo, correct?

20 A. Yes.

21 Q. Around four-thirty in November, is it usually
22 really bright out, is it sunny or is it dusk or
23 based on your experience, can you explain or just

1 describe what the -- not the weather, but whether
2 it's bright out or darker around four-thirty-five
3 in November?

4 A. Four-thirty-five p.m.?

5 Q. Yes.

6 A. It's bright.

7 Q. It's bright. Okay. And so Officer Domaracki
8 pulled you over around four-thirty-five, I'm
9 assuming, as you stated, that he noticed that
10 your windows were tinted, this one says rear side
11 windows non-transparent, you're required to have
12 I think above forty-one percent, do you remember
13 whether or not Officer Domaracki had a tint meter
14 with him, did he go around and test each of your
15 windows or not?

16 A. I don't recall.

17 Q. Okay. And so you were issued two tickets for
18 tints. I am going to enter Exhibit D, this is a
19 DMV form, DMV form 80W, it says that the law
20 provides an exemption for any person who, for
21 medical reasons, must be shielded from direct
22 sunlight. The person who requests an exemption
23 must be either the driver or someone who is a

1 regular passenger in the vehicle. At any time
2 when you were pulled over by Officer Domaracki,
3 Officer Wigdorski or Officer Miller, did either
4 of them inquire whether or not you had any
5 medical condition that required you to have tint?

6 A. I don't think so.

7 Q. If they had done so, would you have applied for a
8 tinted window exemption as is allowed in New York
9 State?

10 A. Yes.

11 Q. Okay. I just want to go back to the complaint
12 again for a second. Officer Domaracki issued
13 you two tickets for tinted windows in paragraph
14 three o four, Officer Wigdorski, however, for the
15 same reasons, he issued you four tinted window
16 tickets, and one for failure to notify the DMV.
17 Between November 2015 and January 2016, did you
18 remove the other two tints from your windows or
19 did your car have the same amount of tints as
20 before in January 2016?

21 A. No. It was the same.

22 Q. So Officer Domaracki chose to issue you two
23 tickets while Officer Wigdorski issued you four

1 tinted window tickets. Can you explain why there
2 was a difference in the amount of tickets that
3 you were issued?

4 MS. FREELY: Objection to form.

5 THE WITNESS: No. That is correct.

6 BY MS. WILLIAMS:

7 Q. Okay. So do you think that Officer Domaracki
8 just used his discretion and issued you less
9 tickets?

10 A. Yes.

11 Q. And so Officer Wigdorski could have done the
12 same, and same with Officer Charles Miller, he
13 could have issued you one ticket or four tickets,
14 but Officer Miller and Officer Wigdorski chose to
15 issue you four tickets on these occasions,
16 correct?

17 MS. FREELY: Objection to form.

18 THE WITNESS: Yes.

19 BY MS. WILLIAMS:

20 Q. Okay. Thank you. I'm going to stop sharing. Is
21 it your understanding that this lawsuit is about
22 the Buffalo Police Department's practice -- I'm
23 sorry. Traffic enforcement practices, and the

1 checkpoints, is that your understanding?

2 A. Yes.

3 Q. And is it your testimony that whether or not you
4 were issued a ticket at a traffic stop -- I'm
5 sorry. At a checkpoint or not, that your
6 experience is relevant to this case?

7 A. Correct.

8 Q. And do you have any associates, friends, family
9 members who have driven through checkpoints?

10 MS. FREELY: Objection to form.

11 THE WITNESS: Yes.

12 BY MS. WILLIAMS:

13 Q. And did you ever observe a checkpoint on the East
14 Side whether or not you drove through the
15 checkpoint?

16 A. Yes.

17 MS. FREELY: Objection to form.

18 MS. WILLIAMS: I don't think I have any more
19 questions. Thank you.

20 MS. FREELY: I just have one follow-up on that. I
21 believe it was Exhibit D, was Exhibit D our
22 medical exemption exhibit?

23 MS. WILLIAMS: Yes.

1 RE-EXAMINATION BY MS. FREELY:

2

3 Q. Did you ever apply for the medical exception that
4 was referenced in Exhibit D by your counsel?

5 A. Not that I recall.

6 Q. Okay. Were you aware of that exception before
7 today?

8 A. No.

9 MS. FREELY: Okay. That's all.

10 MS. WILLIAMS: Okay.

11

12 (An Amended Complaint was received and
13 marked as Exhibit A,

14 a Buffalo Police Department Ticket dated
15 November 4, 2015 was received and marked as
16 Exhibit B,

17 a DMV Form MV-232 was received and marked as
18 Exhibit C, and

19 a DMV Form MV-80W was received and marked as
20 Exhibit D, for identification.)

21

22

* * * * *

23

1 I HEREBY CERTIFY that I have read the
2 foregoing 115 pages and that, except as to those
3 changes set forth in the attached errata form(s),
4 they are a true and accurate transcript of the
5 testimony given by me in the above-entitled
6 action on September 14, 2023.

7
8
9
10 -----
11 CHARLES PALMER
12
13

14 Sworn to before me this

15
16 ----- day of ----- 2023.
17

18
19 -----
20 Notary Public.
21
22
23

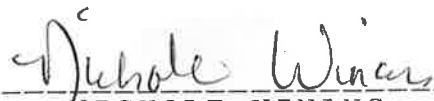
1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4
5 I, Nichole Winans, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of CHARLES
8 PALMER was taken down by me in a verbatim manner
9 by means of Machine Shorthand, on September 14,
10 2023. That the testimony was then reduced into
11 writing under my direction. That the testimony
12 was taken to be used in the above-entitled
13 action. That the said deponent, before
14 examination, was duly sworn by me to testify to
15 the truth, the whole truth and nothing but the
16 truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20
21 
22 _____
23 NICHOLE WINANS,
Notary Public.

ERRATA FORM

PAGE _____ LINE _____ CORRECTION: _____

REASON: _____

PAGE _____ LINE _____ CORRECTION: _____

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1

Sue Ann Simonin Court Reporting

Charles Palmer

2

<p>bear ^[1] - 108:5</p> <p>became ^[2] - 47:22, 48:3</p> <p>began ^[2] - 60:1, 60:5</p> <p>begin ^[5] - 25:16, 44:5, 102:18, 102:20, 102:22</p> <p>beginning ^[2] - 27:8, 48:4</p> <p>behalf ^[2] - 1:6, 1:8</p> <p>behind ^[3] - 12:6, 12:7, 55:7</p> <p>belief ^[6] - 88:19, 90:21, 91:11, 91:14, 95:4, 97:9</p> <p>believes ^[1] - 102:13</p> <p>best ^[2] - 9:3, 20:21</p> <p>between ^[5] - 5:12, 8:1, 45:1, 72:13, 112:17</p> <p>beyond ^[2] - 14:1, 106:7</p> <p>bigger ^[4] - 57:14, 60:16, 75:20, 80:17</p> <p>bills ^[1] - 11:19</p> <p>birth ^[1] - 9:15</p> <p>birthday ^[1] - 8:6</p> <p>bit ^[4] - 12:16, 25:5, 26:8, 83:11</p> <p>black ^[6] - 92:21, 93:6, 94:2, 94:21, 95:5, 95:9</p> <p>Black ^[4] - 46:20, 47:14, 48:6, 48:9</p> <p>BLACK ^[1] - 1:5</p> <p>blind ^[2] - 64:9, 64:10</p> <p>BLRR ^[4] - 48:9, 48:10, 48:15, 48:18</p> <p>board ^[2] - 92:8, 92:10</p> <p>boat ^[1] - 110:5</p> <p>body ^[2] - 30:20, 35:8</p> <p>BONDS ^[1] - 1:7</p> <p>bothered ^[1] - 60:2</p> <p>bounds ^[1] - 22:15</p> <p>Box ^[2] - 6:4, 14:17</p> <p>BPD ^[6] - 90:21, 91:8, 91:12, 91:21, 105:15, 106:19</p> <p>break ^[3] - 8:18, 8:21, 22:22</p> <p>brevity ^[1] - 48:8</p> <p>bright ^[4] - 110:22, 111:2, 111:6, 111:7</p> <p>bring ^[3] - 42:9, 47:4</p> <p>bringing ^[1] - 48:21</p> <p>BRINKWORTH ^[1] -</p>	<p>1:16</p> <p>broad ^[1] - 55:14</p> <p>broke ^[1] - 39:2</p> <p>BROWN ^[1] - 1:12</p> <p>brown ^[1] - 92:22</p> <p>Buff ^[1] - 18:14</p> <p>BUFFALO ^[1] - 1:12</p> <p>Buffalo ^[63] - 1:13, 1:14, 1:16, 1:18, 2:9, 4:6, 5:4, 5:7, 15:3, 15:4, 16:5, 16:15, 16:19, 16:21, 17:4, 17:6, 17:8, 17:11, 18:8, 18:10, 23:13, 32:18, 33:6, 33:9, 34:15, 35:11, 35:23, 36:2, 52:12, 52:13, 54:6, 54:13, 55:16, 56:2, 56:3, 57:20, 58:18, 62:8, 85:17, 87:3, 87:11, 87:18, 89:14, 91:5, 92:2, 93:18, 94:1, 94:15, 94:22, 95:6, 95:10, 95:11, 96:2, 96:21, 100:22, 100:23, 101:2, 101:3, 101:5, 106:18, 110:19, 113:22, 115:14</p> <p>Buffalo's ^[1] - 93:7</p> <p>Building ^[1] - 5:6</p> <p>bunch ^[2] - 19:7, 25:2</p> <p>business ^[4] - 37:9, 37:10, 37:22</p> <p>BY ^[136] - 6:8, 11:16, 13:1, 23:8, 23:20, 24:15, 24:21, 25:15, 26:3, 26:7, 26:19, 27:13, 27:19, 28:4, 28:9, 28:15, 30:2, 30:16, 31:1, 32:15, 33:1, 33:17, 34:1, 34:6, 34:13, 34:20, 35:6, 35:17, 36:8, 36:12, 36:17, 38:6, 38:10, 38:19, 39:1, 39:9, 39:14, 39:18, 40:1, 40:7, 40:13, 40:18, 40:23, 41:15, 42:1, 42:12, 43:20, 45:11, 47:3, 47:20, 49:2, 49:7, 49:16, 51:17, 52:2, 52:6, 52:10, 53:21, 54:2, 54:11, 55:13, 56:17, 57:6, 57:11, 59:1, 60:19, 63:7, 63:12, 63:18, 64:14, 65:4, 65:9, 65:14, 66:2,</p>	<p>66:14, 66:20, 67:19, 68:7, 68:15, 69:3, 70:22, 71:23, 72:6, 72:12, 73:7, 73:13, 74:4, 74:9, 75:11, 78:7, 79:13, 80:3, 80:14, 82:13, 82:21, 83:9, 83:22, 84:21, 85:23, 86:22, 87:7, 87:16, 88:9, 88:21, 89:8, 90:1, 90:16, 91:3, 91:18, 92:9, 93:22, 94:19, 95:15, 95:20, 96:17, 99:14, 100:2, 100:14, 100:20, 102:5, 103:14, 103:19, 104:2, 104:10, 104:14, 105:6, 105:22, 107:4, 107:9, 107:16, 108:3, 109:9, 113:6, 113:19, 114:12, 115:1</p> <p>BYRON ^[2] - 1:12, 1:14</p>	<p>105:18</p> <p>case ^[12] - 10:21, 10:22, 10:23, 11:4, 11:7, 11:17, 12:7, 21:9, 21:21, 27:10, 87:23, 114:6</p> <p>Cathedral ^[1] - 5:3</p> <p>caused ^[1] - 89:7</p> <p>CENTER ^[1] - 5:2</p> <p>certain ^[8] - 8:14, 20:13, 88:2, 89:22, 95:16, 97:13, 104:17</p> <p>certificate ^[1] - 24:17</p> <p>certificates ^[4] - 24:23, 25:2, 25:3</p> <p>certification ^[1] - 5:15</p> <p>CERTIFY ^[3] - 116:1, 117:7, 117:17</p> <p>cetera ^[1] - 12:18</p> <p>challenge ^[3] - 69:6, 78:8, 84:4</p> <p>change ^[6] - 34:9, 74:5, 108:21, 110:2, 110:6, 110:9</p> <p>changed ^[4] - 34:8, 34:11, 35:15</p> <p>changes ^[1] - 116:3</p> <p>charge ^[2] - 40:6, 41:10</p> <p>charged ^[3] - 38:3, 38:14, 66:3</p> <p>charges ^[1] - 39:19</p> <p>CHARIS ^[1] - 1:6</p> <p>Charles ^[11] - 9:18, 11:2, 12:22, 22:11, 28:13, 42:6, 72:8, 72:9, 81:17, 108:5, 113:12</p> <p>CHARLES ^[7] - 1:2, 1:7, 2:7, 3:4, 6:1, 116:11, 117:7</p> <p>Charlotte ^[5] - 6:4, 14:17, 32:19, 32:20, 33:21</p> <p>check ^[3] - 54:6, 55:3, 74:10</p> <p>checkpoint ^[9] - 53:8, 53:10, 54:13, 55:15, 55:18, 90:13, 114:5, 114:13, 114:15</p> <p>checkpoints ^[34] - 54:4, 54:5, 54:16, 54:17, 54:18, 54:20, 55:1, 55:2, 55:8, 55:10, 56:4, 56:11, 56:14, 56:19, 56:23, 57:2, 58:20, 59:3, 59:4, 71:10, 87:23, 88:4, 88:5, 90:10,</p>	<p>90:19, 93:6, 94:4, 94:6, 94:9, 94:10, 114:1, 114:9</p> <p>checks ^[8] - 102:12, 102:15, 103:9, 103:11, 103:16, 103:20, 104:6, 105:9</p> <p>Chevy ^[1] - 52:23</p> <p>Cheyenne ^[1] - 6:10</p> <p>CHEYENNE ^[1] - 5:6</p> <p>child ^[6] - 13:17, 13:19, 14:1, 43:7, 43:9, 43:22</p> <p>children ^[1] - 10:3</p> <p>choose ^[2] - 51:20, 52:1</p> <p>chose ^[2] - 112:22, 113:14</p> <p>CHRIS ^[1] - 9:19</p> <p>Chris ^[1] - 9:19</p> <p>chronic ^[3] - 30:18, 35:5, 35:7</p> <p>cited ^[2] - 59:16, 91:10</p> <p>CITY ^[1] - 1:12</p> <p>city ^[2] - 32:17, 93:5</p> <p>City ^[8] - 1:13, 16:15, 54:13, 55:15, 95:6, 95:10, 100:22, 101:3</p> <p>Civil ^[1] - 2:8</p> <p>claim ^[1] - 12:13</p> <p>claiming ^[1] - 103:22</p> <p>clarify ^[4] - 7:13, 7:18, 85:13, 93:16</p> <p>clarity ^[1] - 6:19</p> <p>class ^[1] - 1:8</p> <p>classification ^[1] - 94:23</p> <p>classifications ^[2] - 30:7, 95:3</p> <p>clean ^[3] - 101:13, 101:15, 101:19</p> <p>clear ^[4] - 26:23, 42:13, 90:17, 96:16</p> <p>clearly ^[1] - 57:13</p> <p>client ^[1] - 22:23</p> <p>cocaine ^[1] - 40:9</p> <p>collaborated ^[1] - 90:14</p> <p>college ^[7] - 17:21, 17:22, 17:23, 18:1, 18:23, 19:4, 19:5</p> <p>comfortable ^[5] - 29:10, 39:7, 61:4, 61:5, 99:17</p> <p>coming ^[5] - 21:10, 61:8, 77:4, 81:8, 107:5</p> <p>commencing ^[1] - 2:10</p>
--	---	--	---	--

Charles Palmer

3

<p>Commissioner [2] - 1:14, 1:15</p> <p>communicate [2] - 67:12, 77:20</p> <p>communities [1] - 94:22</p> <p>community [2] - 37:8, 37:9</p> <p>companies [1] - 35:15</p> <p>company [4] - 35:13, 65:21, 65:22, 66:16</p> <p>compel [3] - 28:19, 29:13, 99:21</p> <p>compensation [7] - 99:16, 102:12, 102:15, 103:9, 103:15, 104:6, 105:8</p> <p>complaint [28] - 11:18, 46:5, 52:16, 52:22, 57:2, 58:13, 61:6, 71:20, 80:6, 85:15, 87:2, 87:3, 87:8, 88:6, 92:13, 92:19, 92:21, 93:15, 96:8, 101:9, 104:20, 107:12, 108:7, 108:10, 108:16, 109:15, 110:14, 112:11</p> <p>Complaint [2] - 4:5, 115:12</p> <p>complete [3] - 50:13, 89:3, 117:19</p> <p>condition [1] - 112:5</p> <p>conducted [1] - 5:20</p> <p>confidential [1] - 45:1</p> <p>confirm [1] - 110:18</p> <p>confuse [1] - 93:11</p> <p>confused [1] - 27:10</p> <p>consequence [1] - 12:8</p> <p>considered [4] - 20:4, 30:9, 54:19, 54:22</p> <p>conspiracy [2] - 39:22, 40:2</p> <p>constant [1] - 86:8</p> <p>constitutes [1] - 117:18</p> <p>construction [7] - 24:6, 25:1, 25:3, 35:12, 35:19, 35:21, 36:3</p> <p>consultant [1] - 37:22</p> <p>contacts [1] - 64:11</p> <p>content [2] - 44:9, 45:13</p>	<p>contents [2] - 44:6, 44:18</p> <p>context [1] - 42:14</p> <p>continue [3] - 20:6, 105:15, 107:6</p> <p>continuously [2] - 21:8, 37:20</p> <p>contract [1] - 26:14</p> <p>contributes [1] - 90:20</p> <p>contributing [1] - 91:11</p> <p>conversations [6] - 6:23, 44:6, 44:7, 44:13, 44:19, 45:13</p> <p>convicted [2] - 38:16, 38:21</p> <p>conviction [2] - 39:20, 41:10</p> <p>correct [15] - 17:11, 37:15, 45:8, 47:8, 48:12, 50:19, 70:11, 78:5, 85:5, 91:23, 92:1, 110:19, 113:5, 113:16, 114:7</p> <p>correlating [1] - 90:11</p> <p>cost [1] - 86:10</p> <p>counsel [7] - 5:12, 23:1, 29:7, 46:11, 49:13, 108:12, 115:4</p> <p>COUNTY [1] - 117:3</p> <p>County [1] - 117:6</p> <p>couple [3] - 6:13, 90:2, 105:11</p> <p>course [1] - 23:21</p> <p>COURT [2] - 1:3, 2:8</p> <p>court [6] - 13:13, 28:21, 43:6, 69:6, 69:8, 78:9</p> <p>Court [9] - 42:7, 42:15, 42:16, 42:18, 43:2, 43:6, 43:7, 43:8, 43:14</p> <p>covered [2] - 80:4, 80:10</p> <p>CPR [1] - 25:1</p> <p>credentials [1] - 24:17</p> <p>crime [5] - 38:3, 38:7, 38:14, 38:16, 38:20</p> <p>crimes [3] - 38:7, 38:13, 38:20</p> <p>current [13] - 14:7, 14:8, 14:10, 14:15, 72:14, 72:19, 73:4, 73:9, 73:11, 73:14, 73:22, 105:20, 106:10</p> <p>custody [6] - 13:5,</p>	<p>13:6, 42:21, 43:3, 43:9, 43:22</p> <p>customer [1] - 32:14</p> <p>cut [1] - 72:8</p> <p style="text-align: center;">D</p> <p>daily [1] - 30:11</p> <p>DANIEL [1] - 1:15</p> <p>darker [1] - 111:2</p> <p>data [1] - 96:8</p> <p>date [10] - 9:15, 31:19, 31:20, 33:11, 67:13, 82:15, 82:23, 83:3, 106:3, 106:5</p> <p>dated [2] - 4:6, 115:14</p> <p>dates [4] - 89:18, 90:3, 90:5, 90:10</p> <p>days [2] - 41:6, 110:1</p> <p>DE'JON [1] - 1:7</p> <p>dealership [7] - 52:7, 86:19, 98:19, 99:1, 99:8, 99:9, 99:16</p> <p>dealing [2] - 43:8, 88:6</p> <p>decide [1] - 21:13</p> <p>decided [1] - 60:6</p> <p>decision [1] - 65:10</p> <p>deemed [1] - 29:17</p> <p>Defendants [3] - 1:20, 5:8, 6:12</p> <p>definitely [2] - 83:16, 97:15</p> <p>degree [3] - 18:17, 20:13, 66:10</p> <p>Delavan [1] - 76:16</p> <p>demoted [1] - 36:9</p> <p>department [3] - 34:9, 34:12</p> <p>Department [19] - 1:14, 1:16, 1:18, 4:6, 54:6, 87:4, 87:11, 87:18, 89:14, 91:6, 93:18, 94:2, 94:15, 94:22, 95:12, 96:3, 96:21, 101:6, 115:14</p> <p>Department's [1] - 113:22</p> <p>departments [1] - 34:8</p> <p>deponent [1] - 117:13</p> <p>deposition [4] - 5:20, 6:16, 10:12, 46:11</p> <p>DERENDA [1] - 1:15</p> <p>describe [20] - 13:9, 19:8, 19:11, 26:8, 37:6, 40:19, 51:13, 53:13, 53:17, 53:20,</p>	<p>59:15, 60:22, 62:12, 63:22, 64:4, 76:8, 77:11, 81:16, 81:19, 111:1</p> <p>described [2] - 43:22, 117:17</p> <p>describing [1] - 61:5</p> <p>description [1] - 66:23</p> <p>detail [1] - 64:4</p> <p>detailed [3] - 71:20, 80:5, 85:15</p> <p>details [5] - 14:5, 78:1, 78:18, 81:6, 89:22</p> <p>development [2] - 37:5, 43:16</p> <p>diagnosed [1] - 28:6</p> <p>diagnosis [1] - 64:16</p> <p>difference [5] - 8:1, 30:5, 45:19, 72:13, 113:2</p> <p>different [13] - 12:17, 19:7, 19:18, 24:5, 24:7, 25:2, 30:7, 54:16, 62:10, 71:8, 72:20, 72:21, 103:1</p> <p>direct [2] - 80:15, 111:21</p> <p>direction [1] - 117:11</p> <p>directly [2] - 12:15, 17:19</p> <p>disabilities [8] - 30:4, 30:6, 30:8, 30:9, 35:1, 35:2, 36:4</p> <p>disability [3] - 29:22, 103:18, 103:22</p> <p>disclose [3] - 51:20, 52:1, 52:9</p> <p>disclosing [1] - 52:5</p> <p>discovery [1] - 22:19</p> <p>discretion [1] - 113:8</p> <p>discretionary [3] - 83:8, 83:10, 83:12</p> <p>discrimination [3] - 11:13, 94:21, 97:7</p> <p>discriminatory [2] - 50:20, 88:1</p> <p>discussed [3] - 41:10, 46:1, 84:12</p> <p>discusses [1] - 100:3</p> <p>Discussion [1] - 27:18</p> <p>disease [2] - 64:6</p> <p>dismissed [1] - 99:22</p> <p>dismissing [1] - 28:23</p> <p>dispute [1] - 43:3</p>	<p>distribute [3] - 39:11, 39:22, 40:2</p> <p>DISTRICT [2] - 1:3, 1:4</p> <p>divulge [2] - 44:12, 45:3</p> <p>DMV [20] - 4:7, 4:8, 68:21, 72:3, 73:1, 73:9, 73:20, 74:1, 74:6, 74:11, 79:9, 106:10, 109:14, 109:22, 110:1, 111:19, 112:16, 115:17, 115:19</p> <p>DO [1] - 117:6</p> <p>doctor [2] - 64:21, 65:5</p> <p>document [1] - 59:7</p> <p>documents [3] - 46:3, 46:4, 46:8</p> <p>DOE [1] - 1:8</p> <p>dollars [4] - 66:6, 70:8, 86:11, 102:14</p> <p>Domaracki [19] - 61:1, 61:10, 62:13, 63:4, 63:20, 71:2, 71:13, 108:20, 108:23, 109:13, 109:15, 110:8, 110:14, 111:7, 111:13, 112:2, 112:12, 112:22, 113:7</p> <p>done [5] - 54:5, 58:11, 98:14, 112:7, 113:11</p> <p>DORETHEA [1] - 1:7</p> <p>down [7] - 30:20, 57:18, 57:23, 58:4, 75:19, 76:5, 117:8</p> <p>downsizing [1] - 26:11</p> <p>drafted [1] - 108:16</p> <p>drive [4] - 51:19, 51:22, 53:5, 105:14</p> <p>driven [1] - 114:9</p> <p>driver [2] - 110:3, 111:23</p> <p>driver's [10] - 49:17, 49:20, 50:1, 51:5, 67:21, 74:12, 74:13, 82:22, 109:17, 110:3</p> <p>drives [1] - 105:13</p> <p>driving [2] - 52:12, 105:14</p> <p>drove [4] - 52:13, 52:14, 60:3, 114:14</p> <p>due [4] - 35:1, 50:16, 51:4, 97:20</p> <p>DUI [2] - 54:18, 55:1</p> <p>duly [2] - 6:5, 117:14</p>
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Charles Palmer

4

<p>during [25] - 19:5, 25:22, 26:15, 27:4, 27:21, 30:13, 34:2, 40:14, 52:15, 52:21, 60:4, 61:13, 71:16, 71:17, 73:17, 76:6, 76:12, 79:4, 79:6, 84:22, 85:2, 87:11, 90:19, 92:4, 105:1</p> <p>dusk [1] - 110:22</p> <p>duty [3] - 25:10, 25:11</p>	<p>37:23</p> <p>ERIE [1] - 117:3</p> <p>Erie [1] - 117:6</p> <p>errata [1] - 116:3</p> <p>ESQ [2] - 5:2, 5:6</p> <p>estimate [4] - 8:2, 8:8, 8:12, 8:15</p> <p>et [1] - 12:18</p> <p>evidence [2] - 89:17, 91:5</p> <p>exact [4] - 13:16, 31:19, 31:20, 62:22</p> <p>exactly [9] - 40:3, 46:7, 62:11, 66:5, 78:15, 78:16, 78:17, 96:7, 109:2</p> <p>EXAMINATION [3] - 6:8, 108:3, 115:1</p> <p>Examination [2] - 2:6, 3:5</p> <p>examination [1] - 117:14</p> <p>example [5] - 8:5, 12:15, 31:8, 68:20, 88:16</p> <p>exceeded [1] - 66:10</p> <p>except [2] - 5:16, 116:2</p> <p>exception [4] - 83:18, 92:3, 115:3, 115:6</p> <p>excessive [2] - 50:20</p> <p>excluded [1] - 42:14</p> <p>excluding [2] - 45:13, 45:18</p> <p>excuse [3] - 14:8, 41:12, 55:18</p> <p>exemption [4] - 111:20, 111:22, 112:8, 114:22</p> <p>Exhibit [13] - 57:7, 109:7, 109:10, 109:22, 110:16, 111:18, 114:21, 115:4, 115:13, 115:16, 115:18, 115:20</p> <p>exhibit [1] - 114:22</p> <p>EXHIBITS [1] - 4:1</p> <p>Exhibits [1] - 4:4</p> <p>expand [1] - 26:22</p> <p>expect [1] - 68:21</p> <p>expectation [1] - 21:8</p> <p>expected [1] - 10:12</p> <p>experience [13] - 64:18, 88:20, 89:3, 89:4, 89:23, 90:14, 96:9, 96:12, 97:2, 97:3, 108:15, 110:23,</p>	<p>114:6</p> <p>experienced [1] - 81:3</p> <p>experiences [7] - 57:1, 88:19, 89:16, 95:19, 95:23, 107:8, 107:10</p> <p>experiencing [1] - 60:1</p> <p>expired [4] - 82:5, 83:6, 83:12, 83:15</p> <p>explain [7] - 26:23, 83:11, 90:23, 91:12, 91:22, 110:23, 113:1</p> <p>expressing [1] - 93:13</p> <p>extended [1] - 89:6</p> <p>extensive [1] - 21:22</p> <p>extent [1] - 10:11</p> <p>eye [1] - 64:6</p> <p>eyes [1] - 64:10</p>	<p>filed [3] - 49:11, 59:8, 107:13</p> <p>filing [2] - 5:14, 20:12</p> <p>financed [1] - 99:7</p> <p>financially [2] - 13:23, 71:1</p> <p>fine [3] - 11:8, 29:2, 55:12</p> <p>finer [3] - 69:11, 78:11, 84:7</p> <p>finishing [1] - 19:4</p> <p>fired [1] - 36:5</p> <p>firm [1] - 6:11</p> <p>first [7] - 6:15, 6:21, 49:23, 50:3, 57:19, 102:18, 108:18</p> <p>five [17] - 12:18, 22:22, 57:23, 66:8, 67:3, 75:22, 76:7, 76:17, 78:8, 78:12, 84:5, 84:8, 93:3, 110:17, 111:2, 111:4, 111:8</p> <p>five-ish [1] - 22:22</p> <p>focus [2] - 59:10, 59:12</p> <p>follow [1] - 114:20</p> <p>follow-up [1] - 114:20</p> <p>following [1] - 5:10</p> <p>follows [1] - 6:6</p> <p>Force [8] - 25:7, 25:17, 25:20, 26:4, 26:12, 27:22, 32:5, 76:15</p> <p>foregoing [1] - 116:2</p> <p>foremost [1] - 6:15</p> <p>Form [4] - 4:7, 4:8, 115:17, 115:19</p> <p>form [11] - 5:16, 40:20, 55:5, 109:22, 111:19, 113:4, 113:17, 114:10, 114:17</p> <p>form(s) [1] - 116:3</p> <p>former [1] - 1:15</p> <p>forms [1] - 104:23</p> <p>forth [1] - 116:3</p> <p>forty [1] - 111:12</p> <p>forty-one [1] - 111:12</p> <p>forward [1] - 23:10</p> <p>four [17] - 59:13, 60:13, 60:20, 67:5, 69:4, 82:3, 83:15, 110:17, 110:21, 111:2, 111:4, 111:8, 112:14, 112:15, 112:23, 113:13,</p>	<p>113:15</p> <p>four-thirty [1] - 110:21</p> <p>four-thirty-five [4] - 110:17, 111:2, 111:4, 111:8</p> <p>fourteen [2] - 105:12, 106:1</p> <p>frame [4] - 23:19, 24:11, 24:13, 90:19</p> <p>FRANKLIN [1] - 1:7</p> <p>Franklin [2] - 2:9, 5:3</p> <p>free [2] - 59:14, 73:23</p> <p>Freely [3] - 3:6, 3:8, 6:11</p> <p>FREELY [159] - 5:6, 5:22, 6:8, 11:16, 13:1, 22:19, 23:4, 23:8, 23:20, 24:15, 24:21, 25:15, 26:3, 26:7, 26:19, 27:13, 27:17, 27:19, 28:4, 28:9, 28:15, 30:2, 30:16, 31:1, 32:15, 33:1, 33:17, 34:1, 34:6, 34:13, 34:20, 35:6, 35:17, 36:8, 36:12, 36:17, 38:6, 38:10, 38:19, 39:1, 39:9, 39:14, 39:18, 40:1, 40:7, 40:13, 40:18, 40:23, 41:15, 42:1, 42:11, 42:12, 43:20, 45:6, 45:10, 45:11, 47:3, 47:19, 47:20, 49:2, 49:7, 49:16, 51:17, 52:2, 52:6, 52:10, 53:21, 54:2, 54:11, 55:9, 55:12, 55:13, 56:17, 57:6, 57:11, 59:1, 60:17, 60:19, 63:7, 63:12, 63:18, 64:3, 64:14, 65:4, 65:9, 65:14, 66:2, 66:14, 66:20, 67:19, 68:7, 68:15, 69:3, 70:22, 71:23, 72:6, 72:12, 73:7, 73:13, 74:4, 74:9, 75:8, 75:11, 78:7, 79:13, 79:18, 79:22, 80:3, 80:10, 80:13, 80:14, 82:13, 82:21, 83:9, 83:22, 84:21, 85:21, 85:23, 86:22, 87:7, 87:16, 88:9, 88:21, 89:8, 90:1, 90:16, 91:3, 91:18, 92:9, 93:22, 94:19,</p>
<p>E</p>				
<p>E-3 [1] - 25:14</p> <p>early [6] - 22:22, 26:6, 26:13, 64:8, 64:22, 79:19</p> <p>ears [2] - 31:15, 32:3</p> <p>easier [1] - 55:11</p> <p>east [1] - 15:7</p> <p>East [8] - 16:18, 56:4, 62:7, 76:16, 76:17, 85:20, 93:8, 114:13</p> <p>EBONY [1] - 1:8</p> <p>economic [1] - 37:5</p> <p>economics [1] - 18:16</p> <p>education [1] - 19:6</p> <p>effects [1] - 89:7</p> <p>eight [2] - 86:4, 86:7</p> <p>either [2] - 111:23, 112:3</p> <p>electrical [2] - 32:13, 34:12</p> <p>eleven [3] - 98:13, 98:15, 100:3</p> <p>employed [2] - 23:22, 32:6</p> <p>employment [3] - 24:1, 32:8, 32:9</p> <p>encounter [1] - 30:12</p> <p>end [3] - 25:19, 26:4, 99:21</p> <p>ended [1] - 37:3</p> <p>ending [2] - 26:11, 89:4</p> <p>enforcement [1] - 113:23</p> <p>entailed [2] - 37:6, 37:7</p> <p>enter [1] - 111:18</p> <p>entered [1] - 5:10</p> <p>entire [1] - 96:10</p> <p>entitled [2] - 116:5, 117:12</p> <p>entrepreneurs [1] -</p>		<p>F</p>		
		<p>fact [5] - 11:21, 85:8, 96:13, 96:19, 97:1</p> <p>facts [1] - 108:9</p> <p>failure [4] - 108:21, 109:13, 109:19, 112:16</p> <p>fair [5] - 33:4, 33:6, 43:21, 92:7, 92:10</p> <p>fall [2] - 94:23, 95:3</p> <p>familiar [4] - 53:19, 54:21, 92:22, 93:8</p> <p>family [10] - 12:6, 12:10, 15:16, 17:3, 17:4, 21:12, 42:6, 43:6, 114:8</p> <p>Family [9] - 42:7, 42:15, 42:16, 42:17, 43:2, 43:5, 43:7, 43:8, 43:14</p> <p>far [8] - 8:9, 12:1, 12:8, 31:16, 54:20, 59:21, 70:7, 106:16</p> <p>fear [2] - 105:23, 107:5</p> <p>fears [1] - 105:15</p> <p>February [2] - 15:21, 15:22</p> <p>Federal [1] - 2:8</p> <p>feet [1] - 30:20</p> <p>few [4] - 22:13, 96:5, 108:1, 108:5</p> <p>field [1] - 36:3</p> <p>file [9] - 72:2, 73:2, 73:9, 73:12, 73:20, 74:11, 79:9, 87:3, 106:11</p>		

Charles Palmer

5

95:15, 95:20, 96:11, 96:17, 99:14, 100:2, 100:14, 100:20, 102:5, 103:14, 103:19, 104:2, 104:10, 104:14, 105:6, 105:22, 107:4, 107:9, 107:16, 107:21, 109:7, 113:4, 113:17, 114:10, 114:17, 114:20, 115:1, 115:9 frequently [2] - 62:6, 67:16 friends [1] - 114:8 full [4] - 6:22, 9:17, 34:17, 35:21 full-time [2] - 34:17, 35:21 fully [2] - 7:3, 31:8 furtherance [1] - 21:3 future [2] - 29:5, 106:18	harass [1] - 105:16 harassed [1] - 107:6 harder [1] - 6:20 head [2] - 7:1, 19:23 headed [4] - 61:12, 77:2, 77:7, 81:11 hear [2] - 31:9, 95:2 hearing [1] - 31:6 held [3] - 11:4, 32:8, 32:9 helped [1] - 65:1 hereby [1] - 5:12 HEREBY [2] - 116:1, 117:7 high [5] - 17:9, 17:13, 17:18, 17:19, 19:3 High [1] - 17:10 highlight [1] - 62:5 highly [1] - 93:7 history [1] - 50:14 HODGSON [1] - 5:5 Hodgson [1] - 6:11 Home [1] - 32:9 home [4] - 61:20, 61:23, 77:2, 109:16 homeless [1] - 14:10 honestly [1] - 21:17 hours [1] - 83:15 house [3] - 16:11, 41:5 hum [1] - 7:1 HUMPHREY [1] - 1:6 hundred [3] - 66:6, 66:8, 86:11	Improvement [1] - 32:10 IN [1] - 1:5 incident [34] - 59:15, 61:15, 70:11, 71:12, 71:16, 72:1, 74:11, 74:19, 75:19, 76:8, 76:12, 78:1, 79:4, 79:7, 79:10, 79:15, 80:5, 80:7, 80:11, 81:3, 81:6, 84:5, 84:22, 85:4, 85:7, 85:8, 85:9, 85:11, 85:12, 85:14, 85:15, 86:2 incidents [8] - 71:17, 85:2, 86:23, 92:4, 97:11, 101:8, 101:20, 101:23 included [4] - 57:2, 57:5, 88:13, 88:14 including [1] - 28:23 income [5] - 24:9, 37:8, 104:23, 105:1, 105:4 incorrect [1] - 108:12 indeed [1] - 85:14 INDEX [2] - 3:1, 4:1 individual [4] - 1:13, 1:14, 1:16, 1:19 individually [2] - 1:8, 87:14 individuals [1] - 47:4 industries [1] - 24:5 industry [1] - 24:3 information [17] - 11:2, 11:6, 11:7, 11:10, 11:15, 12:2, 12:3, 12:9, 12:20, 21:9, 27:2, 29:5, 45:4, 51:20, 90:12, 90:13, 93:1 initial [2] - 39:19, 94:13 injuries [12] - 26:15, 26:20, 26:21, 27:4, 27:21, 28:1, 28:3, 28:5, 28:10, 29:21, 30:13 injury [1] - 28:2 inquire [1] - 112:4 inquired [1] - 86:8 inspection [1] - 106:5 instructs [1] - 9:4 intent [1] - 39:11 interaction [6] - 59:11, 62:12, 63:3, 77:11, 81:16, 81:19	interactions [4] - 57:19, 58:18, 88:23, 89:10 interpret [1] - 7:14 introduce [1] - 57:7 involved [9] - 5:19, 12:11, 12:12, 46:16, 47:11, 47:22, 48:3, 49:8, 91:11 involvement [1] - 37:19 involving [2] - 10:22, 12:4 irrelevant [2] - 11:15, 21:18 ish [1] - 22:22 issue [3] - 51:4, 112:22, 113:15 issued [14] - 49:20, 56:18, 56:23, 108:20, 109:11, 109:19, 111:17, 112:12, 112:15, 112:23, 113:3, 113:8, 113:13, 114:4 issues [1] - 42:7	Kensington [1] - 85:19 keratoconus [1] - 64:6 KEVIN [1] - 1:16 kind [5] - 13:5, 55:15, 55:18, 68:22, 94:7 Kris [1] - 9:18
G	I	J	L	
gaps [1] - 19:5 gears [1] - 25:5 general [1] - 97:9 Germany [1] - 26:2 given [6] - 6:15, 56:6, 76:17, 96:9, 98:10, 116:5 glasses [2] - 31:8, 64:11 graduate [6] - 17:13, 17:16, 18:5, 18:7, 18:17, 18:19 graduating [1] - 19:3 grew [3] - 16:11, 16:14, 110:19 ground [1] - 6:14 group [11] - 49:4, 88:3, 92:15, 92:17, 92:18, 93:17, 93:19, 96:6, 96:8, 96:10, 96:14 groups [1] - 88:2 grow [1] - 16:17 Guaranty [1] - 5:6 guess [9] - 7:21, 8:1, 8:4, 8:8, 8:16, 29:5, 64:13, 70:19, 94:5 guilty [1] - 39:10	ID [1] - 110:3 identification [1] - 115:20 Identification [1] - 4:4 identify [6] - 35:2, 38:7, 38:11, 38:20, 39:5, 95:5 immediately [4] - 69:20, 69:21, 78:20, 84:10 impairment [2] - 31:3, 31:18 impairments [2] - 30:21, 31:11 Impala [1] - 52:23 impediments [1] - 31:6 impermissible [1] - 20:17 impression [3] - 11:11, 57:4, 87:22	JANE [1] - 1:8 January [8] - 76:8, 76:14, 78:2, 79:2, 80:4, 80:10, 112:17, 112:20 Jared [1] - 109:12 job [5] - 6:20, 36:5, 36:9, 36:14, 86:12 jobs [3] - 35:23, 100:4, 100:9 join [3] - 49:3, 94:17, 94:20 joint [1] - 13:5 JOSEPH [1] - 1:7 judge [1] - 22:2 June [12] - 80:7, 81:3, 81:6, 81:9, 82:6, 84:5, 85:14, 86:2, 86:16, 97:19, 98:2, 101:3 Junior [1] - 9:18 justice [1] - 49:9 justified [1] - 84:1	largely [1] - 89:11 last [12] - 14:12, 15:2, 32:8, 32:9, 80:6, 85:7, 85:8, 85:11, 85:15, 86:2, 100:21, 105:11 Latino [3] - 93:6, 94:2, 94:21 Law [3] - 54:7, 55:4, 106:15 law [5] - 66:11, 106:8, 106:20, 109:23, 111:19 LAW [1] - 5:2 laws [1] - 106:14 lawsuit [15] - 11:20, 11:22, 41:19, 46:14, 46:16, 47:5, 47:11, 47:23, 48:3, 49:11, 49:12, 58:14, 94:17, 94:20, 113:21 lead [1] - 91:20 leads [1] - 96:18 learn [2] - 98:2, 98:5 learned [2] - 86:10, 97:19 learner [1] - 110:3 leasing [1] - 99:1 least [1] - 59:4 leave [3] - 34:23, 36:3, 36:13 led [2] - 88:23, 91:7 left [3] - 27:20, 34:21, 102:16 legally [2] - 64:9 less [2] - 66:8, 113:8 level [4] - 59:21, 66:16, 66:19, 106:8 license [33] - 49:18, 49:20, 49:23, 50:1, 50:3, 50:9, 50:14, 50:16, 50:22, 51:3, 51:5, 67:21, 67:23, 68:1, 70:5, 70:10, 70:13, 70:17, 70:19, 74:12, 74:13, 76:22, 89:5, 97:19, 98:3, 98:5, 101:13, 101:17,	
H		K		
halfway [2] - 41:5 HALL [1] - 1:7 handling [1] - 43:14		K-R-I-S [1] - 9:20 keep [5] - 14:4, 82:9, 82:14, 82:23, 83:3 KEISHA [1] - 5:2 Keisha [4] - 20:4, 22:5, 79:18, 107:23		

Charles Palmer

6

<p>101:21, 104:15, 109:17, 110:3 life [6] - 20:11, 20:14, 21:7, 21:11, 24:9, 52:20 lift [1] - 25:1 light [4] - 60:7, 64:2, 64:19, 65:16 likely [1] - 28:20 limited [2] - 28:23, 105:3 limits [1] - 105:14 lines [2] - 8:9, 44:11 list [6] - 19:19, 19:21, 28:1, 28:5, 28:10, 68:19 listed [12] - 52:15, 52:22, 59:6, 68:1, 74:13, 90:15, 91:19, 93:15, 94:7, 94:10, 101:8 litigation [2] - 48:21, 49:1 live [2] - 13:3, 16:2 lived [3] - 15:8, 16:10, 36:1 lives [1] - 72:21 living [1] - 62:2 LLP [1] - 5:5 loan [1] - 37:10 located [1] - 32:17 location [2] - 56:7, 85:16 locations [4] - 88:1, 88:18, 92:14, 97:3 LOCKWOOD [1] - 1:14 look [2] - 24:12, 110:16 looks [3] - 12:16, 58:15, 93:10 lose [1] - 50:3 lost [2] - 50:9, 50:22 loud [1] - 57:21 LOVE [1] - 1:5 Love [4] - 46:20, 47:14, 48:6, 48:9 low [1] - 37:8 Lowe's [11] - 32:9, 32:16, 32:17, 32:18, 33:7, 33:9, 33:21, 34:3, 34:21, 35:10, 35:11 lumber [2] - 34:11, 34:14 lunch [2] - 79:19, 80:2</p>	<p>M</p> <p>Machine [1] - 117:9 magnitude [1] - 87:15 mail [7] - 68:8, 68:11, 68:20, 72:18, 72:19, 73:3, 74:6 mailed [1] - 68:17 mailing [4] - 14:11, 14:14, 14:16, 69:2 major [2] - 18:3, 18:14 man [1] - 95:5 manner [1] - 117:8 MARIELE [1] - 1:6 marijuana [2] - 39:11, 40:9 mark [2] - 109:7, 109:10 marked [5] - 109:21, 115:13, 115:15, 115:17, 115:19 married [1] - 10:1 match [2] - 76:21, 109:18 matter [5] - 42:16, 42:17, 43:2, 46:6, 85:8 matters [1] - 43:14 Mayor [1] - 1:13 McKinley [1] - 17:10 mean [19] - 11:4, 17:19, 19:10, 22:9, 31:2, 42:20, 42:23, 44:1, 50:13, 62:17, 78:16, 88:12, 88:13, 92:10, 92:15, 93:10, 101:15, 101:19, 101:21 means [1] - 117:9 meant [1] - 90:23 medical [5] - 35:1, 111:21, 112:5, 114:22, 115:3 medications [1] - 9:7 meet [3] - 45:16, 45:22, 97:1 meeting [1] - 21:3 member [3] - 46:18, 46:20, 48:18 members [3] - 1:6, 26:12, 114:9 memory [3] - 62:23, 63:3, 86:5 men [1] - 95:9 mention [1] - 58:19 mentioned [5] - 11:20, 11:21, 42:6, 43:12, 89:19</p>	<p>mentioning [1] - 12:8 met [4] - 45:19, 45:23, 46:2, 108:15 meter [4] - 67:8, 77:17, 82:1, 111:13 might [7] - 6:18, 7:1, 8:14, 9:1, 44:9, 59:4, 72:19 military [1] - 26:12 Miller [9] - 81:17, 81:22, 82:1, 83:5, 83:17, 84:14, 112:3, 113:12, 113:14 mind [1] - 31:15 minor [1] - 12:17 minute [3] - 22:22, 27:16, 109:5 minutes [1] - 108:6 misstatement [1] - 47:16 misunderstanding [1] - 90:9 model [1] - 51:21 moment [1] - 78:6 money [3] - 99:9, 99:10, 104:5 month [2] - 15:20, 70:1 monthly [1] - 103:21 months [2] - 41:6, 70:3 morning [2] - 6:10, 108:6 most [6] - 24:14, 32:20, 35:16, 57:17, 62:21, 95:23 mother [2] - 13:7, 16:10 motion [3] - 29:12, 29:13, 99:21 move [11] - 12:21, 15:17, 23:10, 28:14, 28:17, 28:19, 28:22, 29:11, 75:18, 75:22, 80:6 moved [3] - 15:19, 62:6, 67:15 MS [303] - 5:22, 5:23, 6:8, 11:2, 11:16, 12:19, 13:1, 22:9, 22:19, 23:3, 23:4, 23:6, 23:8, 23:14, 23:20, 24:4, 24:15, 24:19, 24:21, 25:13, 25:15, 25:23, 26:3, 26:5, 26:7, 26:17, 26:19, 27:6, 27:13, 27:15, 27:17, 27:19, 27:23, 28:4, 28:7,</p>	<p>28:9, 28:12, 28:15, 30:1, 30:2, 30:14, 30:16, 30:23, 31:1, 32:12, 32:15, 32:22, 33:1, 33:14, 33:17, 33:23, 34:1, 34:4, 34:6, 34:10, 34:13, 34:18, 34:20, 35:4, 35:6, 35:14, 35:17, 36:6, 36:8, 36:10, 36:12, 36:15, 36:17, 38:4, 38:6, 38:8, 38:10, 38:17, 38:19, 38:22, 39:1, 39:6, 39:9, 39:12, 39:14, 39:16, 39:18, 39:21, 40:1, 40:5, 40:7, 40:11, 40:13, 40:16, 40:18, 40:20, 40:23, 41:13, 41:15, 41:22, 42:1, 42:5, 42:11, 42:12, 43:17, 43:20, 45:6, 45:9, 45:10, 45:11, 47:1, 47:3, 47:15, 47:19, 47:20, 48:22, 49:2, 49:5, 49:7, 49:14, 49:16, 51:15, 51:17, 51:23, 52:2, 52:4, 52:6, 52:8, 52:10, 53:18, 53:21, 53:23, 54:2, 54:9, 54:11, 55:5, 55:9, 55:10, 55:12, 55:13, 56:15, 56:17, 57:3, 57:6, 57:9, 57:11, 58:22, 59:1, 60:16, 60:17, 60:19, 63:5, 63:7, 63:9, 63:12, 63:15, 63:18, 64:1, 64:3, 64:14, 65:2, 65:4, 65:7, 65:9, 65:12, 65:14, 66:1, 66:2, 66:12, 66:14, 66:18, 66:20, 67:17, 67:19, 68:5, 68:7, 68:13, 68:15, 68:23, 69:3, 70:16, 70:22, 71:21, 71:23, 72:4, 72:6, 72:10, 72:12, 73:5, 73:7, 73:10, 73:13, 74:2, 74:4, 74:8, 74:9, 75:8, 75:11, 78:3, 78:7, 79:11, 79:13, 79:16, 79:18, 79:22, 80:1, 80:3, 80:8, 80:10, 80:12, 80:13, 80:14, 82:11, 82:13, 82:19, 82:21, 83:7, 83:9, 83:20, 83:22, 84:20, 84:21, 85:19, 85:21,</p>	<p>85:23, 86:20, 86:22, 87:5, 87:7, 87:13, 87:16, 88:8, 88:9, 88:11, 88:21, 89:2, 89:8, 89:15, 90:1, 90:7, 90:16, 91:2, 91:3, 91:15, 91:18, 92:6, 92:9, 93:21, 93:22, 94:18, 94:19, 95:13, 95:15, 95:18, 95:20, 96:4, 96:11, 96:17, 99:12, 99:14, 100:1, 100:2, 100:12, 100:14, 100:18, 100:20, 102:4, 102:5, 103:12, 103:14, 103:17, 103:19, 104:1, 104:2, 104:8, 104:10, 104:13, 104:14, 105:2, 105:6, 105:19, 105:22, 107:2, 107:4, 107:7, 107:9, 107:14, 107:16, 107:19, 107:21, 108:1, 108:3, 109:7, 109:8, 109:9, 113:4, 113:6, 113:17, 113:19, 114:10, 114:12, 114:17, 114:18, 114:20, 114:23, 115:1, 115:9, 115:10 multiple [11] - 15:1, 16:18, 19:18, 24:7, 24:23, 26:21, 28:1, 56:4, 70:6 must [2] - 111:21, 111:23 MV-232 [3] - 4:7, 109:22, 115:17 MV-80W [2] - 4:8, 115:19</p> <p>N</p> <p>N.Y [1] - 1:12 name [7] - 6:10, 9:17, 10:7, 10:8, 10:16, 10:17, 12:2 names [5] - 9:22, 89:18, 91:10, 91:13, 91:16 nature [2] - 82:18, 87:23 necessarily [1] - 108:8 neck [1] - 30:20 need [9] - 8:18, 9:2, 22:8, 23:17, 31:20, 59:13, 75:20, 76:5, 108:8</p>
---	---	---	--	--

Charles Palmer

7

<p>needed ^[1] - 20:6</p> <p>neighborhood ^[2] - 15:4, 15:5</p> <p>neighborhoods ^[6] - 16:17, 16:18, 92:14, 93:7, 97:13, 97:14</p> <p>neighbors ^[1] - 94:3</p> <p>never ^[7] - 27:14, 41:21, 42:2, 73:11, 75:3, 93:16, 94:9</p> <p>NEW ^[3] - 1:4, 5:2, 117:1</p> <p>new ^[1] - 6:18</p> <p>New ^[13] - 2:9, 5:4, 5:7, 15:3, 17:11, 36:1, 36:2, 109:23, 110:2, 110:4, 112:8, 117:6</p> <p>Newburgh ^[3] - 15:3, 16:1, 76:16</p> <p>next ^[1] - 75:18</p> <p>Nichole ^[1] - 117:5</p> <p>NICHOLE ^[2] - 2:10, 117:21</p> <p>Nikki ^[1] - 75:8</p> <p>Nikki's ^[1] - 6:20</p> <p>nine ^[5] - 12:23, 23:5, 43:13, 43:14, 97:17</p> <p>nine-thirty ^[1] - 23:5</p> <p>ninety ^[1] - 41:6</p> <p>non ^[2] - 110:3, 111:11</p> <p>non-driver ^[1] - 110:3</p> <p>non-transparent ^[1] - 111:11</p> <p>noon ^[2] - 79:20, 79:23</p> <p>normal ^[1] - 6:23</p> <p>North ^[8] - 6:4, 14:17, 14:18, 15:17, 15:19, 17:6, 49:22, 85:16</p> <p>Notary ^[4] - 2:11, 116:20, 117:5, 117:22</p> <p>note ^[1] - 47:15</p> <p>noted ^[1] - 29:12</p> <p>notes ^[1] - 69:4</p> <p>nothing ^[5] - 10:10, 10:19, 44:1, 45:15, 117:15</p> <p>noticed ^[1] - 111:9</p> <p>notices ^[2] - 68:21, 68:22</p> <p>notification ^[2] - 83:14, 98:8</p> <p>notify ^[3] - 109:13, 110:1, 112:16</p> <p>November ^[23] - 4:6, 36:23, 37:14, 59:11,</p>	<p>59:16, 61:1, 61:8, 63:4, 67:9, 71:11, 72:1, 73:15, 74:23, 78:22, 80:9, 101:6, 108:19, 109:12, 110:18, 110:21, 111:3, 112:17, 115:15</p> <p>number ^[1] - 91:19</p>	<p>occasion ^[4] - 50:15, 105:13, 108:18, 108:19</p> <p>occasions ^[1] - 113:15</p> <p>occurred ^[3] - 61:16, 77:9, 81:14</p> <p>OF ^[4] - 1:4, 1:12, 117:1, 117:3</p> <p>offered ^[2] - 26:10</p> <p>offhand ^[2] - 19:14, 56:9</p> <p>Officer ^[38] - 60:23, 61:9, 62:12, 63:4, 63:19, 71:2, 71:13, 76:15, 76:19, 77:1, 77:14, 77:17, 81:17, 81:22, 82:1, 83:5, 83:17, 84:14, 108:20, 108:22, 109:12, 109:15, 110:8, 110:14, 111:7, 111:13, 112:2, 112:3, 112:12, 112:14, 112:22, 112:23, 113:7, 113:11, 113:12, 113:14</p> <p>officer ^[9] - 63:3, 63:19, 67:8, 67:13, 77:12, 77:14, 77:21, 79:1, 81:21</p> <p>OFFICERS ^[1] - 1:18</p> <p>officers ^[10] - 1:18, 57:20, 58:19, 88:17, 88:23, 89:11, 91:10, 91:13, 91:17, 92:3</p> <p>officers' ^[1] - 89:18</p> <p>official ^[2] - 1:13, 1:15</p> <p>officially ^[2] - 30:9, 37:21</p> <p>often ^[3] - 16:19, 16:20, 103:20</p> <p>old ^[2] - 12:23, 43:13</p> <p>one ^[40] - 10:6, 15:2, 16:13, 24:10, 32:20, 39:17, 40:12, 40:15, 40:21, 43:1, 43:2, 48:2, 50:15, 50:18, 58:6, 58:23, 59:3, 59:4, 59:13, 59:23, 63:23, 64:10, 71:17, 71:18, 73:2, 81:2, 83:12, 85:2, 86:10, 88:2, 90:3, 102:11, 108:18, 108:21, 109:11, 111:10, 111:12, 112:16, 113:13, 114:20</p> <p>ones ^[1] - 107:11</p>	<p>ongoing ^[5] - 28:3, 64:6, 64:7, 64:23</p> <p>online ^[1] - 74:6</p> <p>opened ^[1] - 20:13</p> <p>openly ^[1] - 21:14</p> <p>opportunities ^[1] - 37:10</p> <p>opportunity ^[1] - 26:13</p> <p>opposed ^[2] - 20:10, 21:10</p> <p>options ^[1] - 66:23</p> <p>order ^[1] - 28:21</p> <p>ordering ^[1] - 68:20</p> <p>organization ^[3] - 47:13, 48:5, 97:5</p> <p>organizations ^[2] - 38:1, 49:9</p> <p>OSHA ^[1] - 25:1</p> <p>outright ^[1] - 69:14</p> <p>outside ^[1] - 13:19</p> <p>outstanding ^[1] - 102:13</p> <p>overall ^[2] - 89:22, 90:14</p> <p>overlooked ^[1] - 94:5</p> <p>overwhelmingly ^[1] - 93:6</p> <p>own ^[14] - 15:15, 51:9, 52:18, 52:21, 53:3, 60:22, 76:11, 81:5, 96:9, 96:11, 99:4, 105:17</p> <p>owned ^[3] - 16:9, 51:11, 52:20</p> <p>owners ^[1] - 37:22</p>	<p>PALMER ^[7] - 1:2, 1:7, 2:7, 3:4, 6:1, 116:11, 117:8</p> <p>paragraph ^[24] - 57:22, 59:11, 60:9, 60:11, 60:13, 60:20, 62:4, 63:23, 67:15, 69:4, 75:21, 75:22, 76:7, 80:16, 86:4, 86:7, 93:3, 97:17, 97:18, 98:12, 102:9, 105:11, 106:1, 112:13</p> <p>paragraphs ^[2] - 76:4, 76:7</p> <p>Park ^[1] - 5:3</p> <p>part ^[14] - 11:1, 11:2, 14:12, 24:14, 24:17, 35:16, 44:15, 57:17, 62:21, 88:6, 88:12, 96:6, 96:7, 96:14</p> <p>participate ^[1] - 21:20</p> <p>parties ^[3] - 5:11, 5:13, 5:19</p> <p>party ^[4] - 41:18, 42:15, 42:17, 43:4</p> <p>passenger ^[1] - 112:1</p> <p>past ^[4] - 43:14, 43:18, 50:5, 69:2</p> <p>pay ^[14] - 11:18, 13:17, 69:14, 70:8, 70:23, 78:20, 78:21, 84:10, 86:14, 102:12, 104:6, 104:16, 104:19</p> <p>Pearl ^[1] - 5:7</p> <p>pending ^[4] - 8:20, 13:8, 13:11, 13:14</p> <p>people ^[10] - 88:2, 88:3, 92:15, 92:17, 92:22, 93:17, 93:19, 97:1, 97:14, 97:15</p> <p>per ^[1] - 103:2</p> <p>percent ^[1] - 111:12</p> <p>perfect ^[2] - 23:4, 79:22</p> <p>perform ^[1] - 24:8</p> <p>period ^[3] - 24:10, 60:4, 89:6</p> <p>permanent ^[13] - 29:22, 30:4, 30:6, 30:9, 62:8, 68:4, 72:13, 72:16, 72:20, 73:3, 73:23, 110:1, 110:9</p> <p>permit ^[1] - 110:3</p> <p>person ^[3] - 74:6, 111:20, 111:22</p> <p>personal ^[8] - 11:10, 12:2, 12:3, 12:9, 14:4,</p>	
	<p>O</p>			<p>P</p>	
	<p>oath ^[1] - 5:13</p> <p>object ^[3] - 9:1, 22:10, 23:14</p> <p>objection ^[123] - 10:13, 23:14, 24:4, 24:19, 25:13, 25:23, 26:5, 26:17, 27:6, 27:23, 28:7, 30:1, 30:14, 30:23, 32:12, 32:22, 33:14, 33:23, 34:4, 34:10, 34:18, 35:4, 35:14, 36:6, 36:10, 36:15, 38:4, 38:8, 38:17, 38:22, 39:6, 39:12, 39:16, 39:21, 40:5, 40:11, 40:16, 40:20, 41:13, 41:22, 43:17, 47:1, 47:16, 48:22, 49:5, 49:14, 51:15, 51:23, 52:4, 52:8, 53:18, 53:23, 54:9, 55:5, 56:15, 57:3, 58:22, 63:5, 63:9, 63:15, 64:1, 65:2, 65:7, 65:12, 66:1, 66:12, 66:18, 67:17, 68:5, 68:13, 68:23, 70:16, 71:21, 72:4, 73:5, 73:10, 74:2, 74:8, 78:3, 79:11, 79:16, 82:11, 82:19, 83:7, 83:20, 84:20, 86:20, 87:5, 87:13, 88:8, 88:11, 89:2, 89:15, 90:7, 91:2, 91:15, 92:6, 93:21, 94:18, 95:13, 95:18, 96:4, 99:12, 100:1, 100:12, 100:18, 102:4, 103:12, 103:17, 104:1, 104:8, 104:13, 105:2, 105:19, 107:2, 107:7, 107:14, 113:4, 113:17, 114:10, 114:17</p> <p>objections ^[1] - 5:16</p> <p>obligation ^[1] - 14:1</p> <p>observe ^[1] - 114:13</p> <p>obviously ^[1] - 87:2</p>				<p>p.m ^[2] - 110:17, 111:4</p> <p>P.O ^[2] - 6:4, 14:17</p> <p>packages ^[1] - 68:21</p> <p>page ^[1] - 6:14</p> <p>Page ^[1] - 3:4</p> <p>pages ^[1] - 116:2</p> <p>paid ^[7] - 69:16, 69:18, 78:22, 78:23, 84:11, 84:13, 102:13</p> <p>pain ^[5] - 30:12, 30:17, 30:18, 35:5, 35:7</p> <p>Palmer ^[11] - 6:10, 9:15, 9:18, 57:10, 79:20, 80:15, 86:8, 86:12, 94:9, 97:19, 102:11</p> <p>palmer ^[7] - 11:17, 20:12, 23:9, 55:7, 57:12, 62:6, 96:9</p>

Charles Palmer

8

<p>20:10, 20:14, 21:11 PERSONNEL [1] - 1:17 PHILIP [1] - 1:16 phone [1] - 8:10 photographic [1] - 62:23 pick [1] - 24:6 picking [2] - 21:7, 27:20 place [1] - 56:3 placed [1] - 88:1 places [1] - 93:5 plagued [1] - 86:7 Plaintiff [2] - 2:7, 46:13 Plaintiffs [3] - 1:10, 5:4, 49:4 plan [3] - 20:6, 20:8, 22:7 planned [1] - 20:9 plans [2] - 16:21, 106:17 plead [1] - 39:10 plus [2] - 70:4, 70:8 point [9] - 8:5, 8:7, 8:11, 8:18, 42:9, 44:8, 48:2, 76:5, 97:6 pointed [1] - 91:4 pointing [2] - 90:4, 96:1 points [1] - 8:14 Police [22] - 1:14, 1:16, 1:18, 4:6, 54:6, 87:3, 87:11, 87:18, 89:14, 91:5, 93:18, 94:1, 94:15, 94:22, 95:11, 96:2, 96:21, 100:22, 101:2, 101:5, 113:22, 115:14 police [7] - 40:9, 55:18, 56:14, 57:20, 58:19, 89:11, 92:2 position [4] - 29:18, 32:11, 34:2, 34:17 possession [3] - 39:10, 40:10, 99:6 possibility [1] - 42:10 possibly [1] - 86:21 practice [1] - 113:22 practices [1] - 113:23 predominantly [1] - 93:7 prepare [3] - 42:4, 45:12, 45:16 present [4] - 43:3, 63:19, 77:14, 81:21 pretty [15] - 19:16,</p>	<p>22:2, 23:23, 29:15, 48:4, 56:5, 59:22, 70:17, 85:7, 85:8, 85:10, 85:11, 88:17, 89:22, 97:4 previously [3] - 58:20, 61:18, 75:5 primarily [3] - 16:18, 24:6, 56:5 private [3] - 20:10, 20:14, 21:11 privilege [1] - 45:7 privileged [3] - 44:8, 44:23, 45:3 probation [3] - 39:17, 40:14, 40:15 problems [7] - 31:14, 60:2, 63:22, 64:21, 65:16, 67:12, 77:20 Procedure [1] - 2:8 proceed [1] - 22:17 proceeding [1] - 42:22 professional [1] - 24:16 professionally [2] - 65:20, 74:21 program [2] - 26:9, 97:5 project [1] - 35:16 promotion [1] - 34:7 provide [1] - 12:5 provided [3] - 21:10, 66:23, 90:10 provides [1] - 111:20 providing [3] - 37:7, 37:9 public [3] - 11:3, 100:6, 100:11 Public [4] - 2:11, 116:20, 117:5, 117:22 publicized [1] - 11:6 published [1] - 11:5 pull [2] - 85:18, 106:19 pulled [22] - 60:23, 61:9, 71:3, 71:6, 71:12, 71:14, 76:15, 79:2, 84:15, 90:20, 95:5, 95:9, 96:15, 98:7, 98:9, 100:21, 101:2, 101:5, 108:23, 109:1, 111:8, 112:2 punishment [1] - 41:1 purpose [1] - 55:7 purposes [1] - 72:18 pursuant [1] - 2:7</p>	<p>Q questions [26] - 5:17, 9:1, 11:22, 13:2, 20:2, 20:5, 21:6, 21:12, 21:14, 21:16, 21:22, 22:4, 22:10, 22:13, 22:15, 27:1, 27:9, 28:18, 29:4, 29:17, 29:19, 89:10, 105:11, 107:21, 108:1, 114:19</p> <p>R race [5] - 94:14, 95:7, 95:11, 96:19, 97:2 racially [1] - 87:14 racism [1] - 97:8 random [1] - 21:6 range [2] - 12:19, 12:22 rank [3] - 25:12, 25:14 RE [1] - 115:1 RE-EXAMINATION [1] - 115:1 read [18] - 57:9, 57:20, 57:21, 57:22, 58:1, 58:2, 58:7, 58:16, 59:14, 60:14, 60:15, 75:8, 75:10, 75:21, 80:17, 98:13, 116:1 reading [1] - 86:4 reads [1] - 86:7 ready [1] - 58:3 really [6] - 8:4, 13:10, 19:9, 19:10, 31:4, 110:22 rear [3] - 67:5, 67:6, 111:10 reason [5] - 9:11, 11:15, 57:1, 71:19, 73:8 reasons [5] - 28:11, 91:19, 91:22, 111:21, 112:15 reassess [1] - 22:23 recap [2] - 23:9, 80:4 receive [10] - 24:16, 34:7, 41:1, 68:8, 68:21, 72:19, 73:3, 103:11, 103:15, 103:20 received [19] - 25:4, 49:23, 64:15, 69:5, 69:20, 69:22, 70:15, 78:21, 99:15, 101:9, 102:1, 102:6, 102:15,</p>	<p>103:4, 104:20, 115:12, 115:15, 115:17, 115:19 receiving [7] - 68:20, 102:18, 102:20, 102:22, 103:2, 103:8, 105:8 recent [1] - 43:15 recently [2] - 16:20, 32:21 recess [2] - 23:7, 80:2 recognize [1] - 58:13 recollection [3] - 20:21, 93:20, 93:23 recommend [1] - 65:5 record [5] - 27:15, 27:18, 29:16, 42:13, 55:6 recording [1] - 29:16 REDDEN [1] - 1:6 reduced [1] - 117:10 refer [2] - 53:8, 54:4 Referee [1] - 5:14 reference [7] - 8:5, 8:7, 8:11, 58:6, 71:10, 71:11, 88:5 referenced [10] - 35:8, 58:21, 63:22, 88:4, 90:2, 93:17, 104:20, 106:1, 106:17, 115:4 referencing [2] - 35:3, 92:17 referring [10] - 42:8, 54:5, 54:23, 55:1, 55:2, 89:16, 89:20, 90:9, 94:4, 103:13 refers [1] - 92:21 reflect [2] - 81:1, 81:2 refresh [3] - 86:5, 93:20, 93:23 refusal [1] - 28:18 refusals [1] - 29:12 refusing [2] - 20:16, 99:15 regain [1] - 51:5 regarding [2] - 42:22, 106:14 regardless [4] - 20:21, 21:4, 29:6, 85:6 regards [2] - 13:13, 43:8 registration [8] - 82:5, 82:10, 82:15, 82:23, 83:3, 83:6, 106:3, 110:4</p>	<p>regular [1] - 112:1 regularly [1] - 53:5 related [4] - 11:23, 25:1, 25:3, 78:1 relative [1] - 117:16 relevance [2] - 11:21, 99:19 relevancy [5] - 20:1, 22:10, 26:22, 29:2, 99:18 relevant [12] - 11:17, 12:15, 20:4, 20:17, 20:22, 21:5, 27:1, 27:9, 27:11, 29:7, 88:10, 114:6 remain [1] - 34:2 remember [38] - 15:8, 15:20, 16:5, 17:15, 18:5, 18:12, 18:14, 24:3, 33:20, 34:21, 40:6, 41:16, 53:1, 61:15, 62:20, 65:22, 66:3, 67:23, 70:7, 70:13, 73:19, 77:9, 78:11, 78:13, 78:17, 79:12, 81:11, 81:13, 89:12, 95:22, 98:18, 102:1, 103:2, 103:4, 103:7, 108:22, 110:7, 111:12 reminder [1] - 82:17 remote [1] - 5:20 Remote [1] - 2:6 remotely [1] - 5:21 removal [1] - 86:10 remove [4] - 74:18, 79:14, 86:1, 112:18 removed [10] - 74:21, 75:1, 75:2, 75:3, 75:5, 75:7, 75:13, 86:9, 86:13, 86:15 rent [3] - 15:15, 15:16 rental [1] - 105:13 rented [1] - 16:9 renting [1] - 105:18 repeat [3] - 14:12, 39:2, 95:1 rephrase [3] - 7:9, 30:11, 32:16 report [2] - 110:6, 110:10 REPORTER [1] - 5:19 reporter [1] - 75:10 REPORTING [1] - 2:9 represent [3] - 6:12, 54:3, 58:17</p>
---	--	--	--	--

Charles Palmer

9

representatives [1] - 56:7 represented [2] - 92:18, 92:20 request [2] - 6:22, 8:21 requested [1] - 75:9 requests [1] - 111:22 require [1] - 10:14 required [3] - 23:15, 111:11, 112:5 requires [1] - 109:23 requiring [1] - 28:21 reserved [1] - 5:17 reside [3] - 14:18, 15:12, 73:17 resided [1] - 62:9 residential [6] - 14:8, 14:20, 16:3, 62:10, 73:4, 106:10 resides [1] - 72:21 residing [1] - 109:18 resign [1] - 36:13 RESISTS [1] - 1:5 Resists [4] - 46:20, 47:14, 48:6, 48:9 resources [1] - 37:11 respect [3] - 86:23, 88:22, 95:16 respective [1] - 5:13 responded [1] - 95:21 response [1] - 89:9 responsibility [3] - 82:22, 83:2, 83:16 rest [1] - 21:2 result [7] - 29:22, 30:12, 70:14, 87:18, 94:14, 95:7, 95:11 results [1] - 89:5 resume [1] - 24:12 retail [1] - 32:13 retrieve [1] - 68:11 return [1] - 99:11 returned [3] - 98:18, 98:23, 99:8 review [6] - 46:3, 46:5, 46:8, 59:7, 98:12, 107:12 reviewed [5] - 46:4, 46:7, 59:9, 107:20, 108:12 revoked [2] - 50:12, 50:23 rideshare [2] - 100:8, 100:17 rights [3] - 11:13, 97:8, 97:10 ringing [2] - 31:14, 32:2	ROBBIN [1] - 1:17 role [2] - 48:20, 48:23 Rules [1] - 2:8 rules [1] - 6:14 run [1] - 90:19 Russ [1] - 6:11 RUSS [1] - 5:5 Rust [4] - 46:21, 47:14, 48:6, 48:9 RUST [1] - 1:5	sentence [3] - 39:15, 40:15, 105:12 separate [2] - 26:13, 73:2 separation [1] - 26:6 September [5] - 2:10, 34:22, 116:6, 117:9 SERAFINI [1] - 1:16 serve [2] - 25:6, 25:9 service [8] - 26:16, 27:5, 27:21, 30:13, 32:14, 100:9, 100:17, 102:16 services [1] - 37:21 set [1] - 116:3 seven [5] - 58:7, 58:8, 80:16, 80:18, 80:21 shake [1] - 7:1 SHAKETA [1] - 1:6 share [4] - 108:7, 109:4, 109:5, 109:21 sharing [1] - 113:20 SHAVONNE [1] - 1:6 shielded [1] - 111:21 shifting [1] - 25:5 SHIRLEY [1] - 1:7 short [2] - 23:7, 97:18 Shorthand [1] - 117:9 show [1] - 97:12 sic [1] - 11:14 side [1] - 111:10 Side [8] - 15:7, 16:18, 56:4, 62:7, 76:17, 85:20, 93:8, 114:14 sides [1] - 43:9 sight [1] - 31:6 signing [1] - 5:14 similar [3] - 97:2, 97:3 similarly [1] - 1:9 SIMMONS [1] - 1:7 SIMONIN [1] - 2:8 sitting [1] - 8:10 situated [1] - 1:9 situation [1] - 13:11 six [6] - 43:18, 58:7, 58:8, 70:3, 75:23, 76:8 sixteen [1] - 101:18 skills [1] - 24:8 small [3] - 37:9, 37:10, 37:22 smell [1] - 31:5 SMITH [1] - 1:6	snowmobile [1] - 110:5 social [1] - 49:8 sold [1] - 86:18 someone [5] - 47:7, 65:19, 72:17, 72:20, 111:23 sometimes [1] - 17:5 son [11] - 11:19, 11:23, 12:6, 12:14, 12:23, 13:3, 17:6, 42:21, 43:4, 43:13 son's [5] - 10:8, 10:16, 10:17, 10:18, 14:4 soon [1] - 16:22 sorry [16] - 7:16, 14:12, 33:3, 33:4, 39:2, 42:5, 47:15, 59:2, 72:7, 72:10, 80:12, 81:1, 95:1, 113:23, 114:5 sort [1] - 12:21 sound [4] - 23:5, 86:17, 92:22, 93:8 sounds [7] - 23:6, 72:23, 76:18, 76:23, 81:4, 93:13, 98:4 Spangdahlem [1] - 26:1 sparked [1] - 65:10 speaking [3] - 11:12, 39:7, 87:15 specialty [1] - 32:14 specific [13] - 23:18, 24:10, 35:2, 35:13, 56:3, 66:16, 66:19, 89:21, 92:13, 92:14, 92:15, 92:23, 94:11 specifically [5] - 23:19, 26:12, 55:2, 96:1, 96:12 specify [1] - 66:16 speculate [1] - 7:22 spoken [3] - 46:13, 48:14, 49:11 SS [1] - 117:2 stance [1] - 97:9 stand [1] - 97:7 stands [1] - 10:23 start [9] - 6:13, 33:2, 33:9, 34:14, 35:18, 37:13, 57:19, 59:12, 103:22 started [5] - 33:6, 35:11, 64:7, 64:12, 103:8 starting [2] - 59:23, 62:6 State [13] - 18:2,	18:8, 18:9, 18:10, 18:15, 18:22, 23:12, 23:13, 109:23, 110:2, 110:4, 112:9, 117:6 state [2] - 49:20, 55:6 STATE [1] - 117:1 statement [6] - 12:1, 12:5, 21:2, 45:21, 75:4, 75:12 statements [1] - 59:19 STATES [1] - 1:3 states [11] - 11:18, 62:4, 62:11, 63:10, 63:17, 67:15, 97:18, 102:11, 104:9, 105:4, 109:14 States [1] - 25:6 stationed [2] - 25:22, 26:1 statistics [1] - 97:12 status [1] - 49:6 step [2] - 79:6, 84:17 stick [1] - 22:20 still [10] - 9:2, 20:1, 23:15, 28:2, 36:18, 37:21, 64:18, 103:11, 103:15, 105:23 stipulated [1] - 5:12 stipulations [1] - 5:10 stop [8] - 22:18, 36:20, 37:1, 73:15, 89:4, 105:18, 113:20, 114:4 stopped [2] - 55:15, 56:14 stops [5] - 52:15, 52:22, 71:7, 87:12, 87:19 story [1] - 13:10 Street [3] - 2:9, 5:3, 5:7 strict [1] - 83:13 strike [7] - 23:11, 37:12, 54:3, 61:19, 82:8, 83:23, 99:1 Strike [1] - 76:15 struggled [2] - 11:18, 12:5 struggling [2] - 12:14, 20:1 stuff [1] - 42:6 subjected [1] - 21:6 subsequent [1] - 86:16 substantive [1] - 44:12 SUE [1] - 2:8
--	---	---	--	---

Charles Palmer

10

<p>sued [2] - 41:21, 42:2</p> <p>suit [1] - 20:13</p> <p>suitable [1] - 29:18</p> <p>Suite [2] - 5:3, 5:7</p> <p>summarized [1] - 108:10</p> <p>summarizes [1] - 108:15</p> <p>sun [2] - 60:2, 65:1</p> <p>sunglasses [2] - 65:1, 65:3</p> <p>sunlight [1] - 111:22</p> <p>sunny [1] - 110:22</p> <p>SUPERVISORY [1] - 1:17</p> <p>support [12] - 11:19, 12:14, 12:16, 13:17, 13:19, 13:20, 14:1, 43:6, 43:7, 43:10, 43:23</p> <p>suspended [17] - 50:11, 50:16, 50:18, 50:23, 51:4, 70:5, 70:10, 70:13, 70:18, 70:20, 97:20, 98:3, 98:6, 101:17, 101:20, 101:21, 104:16</p> <p>suspension [1] - 89:5</p> <p>sustain [2] - 26:15, 27:21</p> <p>sustained [2] - 27:4, 29:22</p> <p>Sworn [1] - 116:14</p> <p>sworn [3] - 5:21, 6:5, 117:14</p>	<p>31:22, 50:5, 50:7, 98:12, 98:15, 110:1</p> <p>term [3] - 37:3, 37:15, 37:17</p> <p>test [4] - 67:9, 77:18, 82:1, 111:14</p> <p>testified [2] - 6:6, 61:18</p> <p>testify [2] - 110:7, 117:14</p> <p>testimony [22] - 6:16, 9:9, 9:12, 23:11, 45:12, 47:10, 47:21, 63:2, 63:8, 63:10, 77:23, 85:3, 89:9, 90:17, 105:7, 108:14, 114:3, 116:5, 117:7, 117:10, 117:11, 117:19</p> <p>THE [110] - 1:5, 5:19, 11:8, 12:23, 23:17, 24:5, 24:20, 25:14, 26:1, 26:6, 26:18, 27:7, 28:1, 28:8, 30:15, 32:13, 32:23, 33:15, 34:5, 34:11, 34:19, 35:5, 35:15, 36:7, 36:11, 36:16, 38:5, 38:9, 38:18, 38:23, 39:7, 39:13, 39:17, 39:22, 40:12, 40:17, 40:21, 41:14, 41:23, 43:18, 47:2, 48:23, 49:6, 49:15, 51:16, 52:1, 52:5, 52:9, 53:19, 54:1, 54:10, 56:16, 57:4, 58:23, 60:18, 63:6, 63:10, 63:16, 64:5, 65:3, 65:8, 65:13, 66:13, 66:19, 67:18, 68:6, 68:14, 69:1, 70:17, 71:22, 72:5, 72:11, 73:6, 73:11, 74:3, 78:4, 79:12, 79:17, 79:21, 82:12, 82:20, 83:8, 83:21, 85:22, 86:21, 87:6, 87:14, 88:12, 89:3, 89:16, 90:8, 91:16, 92:7, 95:14, 95:19, 99:13, 100:13, 100:19, 103:13, 103:18, 104:9, 105:3, 105:20, 107:3, 107:8, 107:15, 107:20, 113:5, 113:18, 114:11</p> <p>themselves [2] - 91:4, 91:6</p> <p>theory [1] - 88:20</p>	<p>thinks [1] - 96:12</p> <p>thirteen [1] - 102:9</p> <p>thirties [2] - 64:8, 64:22</p> <p>thirty [8] - 23:5, 64:8, 86:11, 110:17, 110:21, 111:2, 111:4, 111:8</p> <p>THOMAS [1] - 1:17</p> <p>thoughtful [1] - 14:6</p> <p>thousand [2] - 70:8, 102:14</p> <p>three [48] - 41:6, 51:12, 52:17, 57:22, 57:23, 58:7, 58:8, 59:11, 59:13, 59:23, 60:9, 60:11, 60:13, 60:20, 62:4, 63:23, 67:15, 69:4, 69:5, 75:21, 75:23, 76:7, 80:16, 80:17, 80:21, 86:4, 86:7, 87:1, 87:2, 97:17, 98:12, 98:13, 98:15, 100:3, 102:9, 102:14, 105:11, 105:21, 106:1, 112:14</p> <p>threw [1] - 94:7</p> <p>throughout [7] - 24:9, 30:20, 35:7, 52:20, 56:4, 89:9</p> <p>Ticket [2] - 4:6, 115:14</p> <p>ticket [12] - 70:20, 83:6, 83:19, 84:2, 98:10, 101:10, 102:2, 105:16, 109:13, 109:19, 113:13, 114:4</p> <p>ticketed [8] - 76:20, 78:19, 92:4, 96:20, 98:7, 107:6, 108:18, 108:19</p> <p>ticketing [1] - 11:12</p> <p>tickets [55] - 50:17, 50:19, 50:20, 50:21, 51:4, 56:8, 56:18, 56:21, 56:23, 69:5, 69:6, 69:9, 69:12, 69:20, 69:22, 70:14, 70:15, 70:23, 76:17, 78:8, 78:12, 78:17, 78:22, 82:3, 84:5, 84:8, 84:11, 84:13, 86:8, 86:14, 89:18, 91:4, 91:6, 97:20, 101:14, 101:22, 102:6, 102:13, 104:6, 104:16, 104:19, 108:20, 109:11, 110:14, 110:16, 111:17, 112:13,</p>	<p>112:16, 112:23, 113:1, 113:2, 113:9, 113:13, 113:15</p> <p>tint [17] - 60:6, 65:17, 65:19, 66:10, 66:11, 66:15, 66:21, 67:8, 74:18, 75:1, 77:17, 79:14, 82:1, 86:1, 86:9, 111:13, 112:5</p> <p>tinted [16] - 65:6, 65:11, 65:20, 67:2, 67:4, 67:9, 77:18, 106:7, 108:21, 110:15, 110:17, 111:10, 112:8, 112:13, 112:15, 113:1</p> <p>tinting [1] - 65:20</p> <p>tints [8] - 86:13, 86:15, 86:19, 106:9, 109:3, 111:18, 112:18, 112:19</p> <p>TO [2] - 3:1, 4:1</p> <p>today [20] - 6:22, 7:2, 8:14, 8:19, 9:2, 9:9, 9:13, 10:20, 20:10, 45:13, 45:17, 46:11, 50:17, 85:3, 87:1, 95:21, 103:11, 103:16, 110:7, 115:7</p> <p>today's [1] - 89:9</p> <p>together [2] - 97:6, 97:7</p> <p>took [1] - 70:7</p> <p>top [1] - 19:22</p> <p>topic [1] - 14:7</p> <p>total [2] - 84:4, 96:6</p> <p>touch [2] - 31:5, 31:10</p> <p>towards [1] - 92:14</p> <p>Tower [1] - 5:3</p> <p>trades [1] - 24:7</p> <p>traffic [15] - 53:8, 53:10, 54:4, 54:12, 54:17, 54:19, 59:16, 71:7, 87:11, 101:9, 102:1, 102:6, 102:13, 113:23, 114:4</p> <p>Traffic [3] - 54:7, 55:4, 106:15</p> <p>transcript [4] - 5:15, 116:4, 117:18, 117:19</p> <p>transfer [1] - 18:9</p> <p>transferred [1] - 18:12</p> <p>transparent [1] - 111:11</p> <p>transportation [2] - 100:6, 100:11</p> <p>treatment [2] - 64:7, 64:23</p>	<p>Trial [1] - 2:7</p> <p>trial [1] - 5:17</p> <p>true [16] - 12:1, 12:5, 40:8, 59:23, 60:6, 60:9, 60:11, 60:13, 60:20, 61:20, 76:14, 76:19, 97:21, 100:6, 116:4, 117:18</p> <p>truth [3] - 117:15, 117:16</p> <p>truthful [3] - 9:8, 9:12, 45:21</p> <p>truthfully [2] - 20:20, 21:17</p> <p>try [4] - 7:5, 22:16, 57:15, 82:14</p> <p>trying [6] - 45:2, 93:11, 93:16, 93:20, 93:23, 96:15</p> <p>twenty [5] - 12:16, 15:9, 15:10, 15:13, 83:15</p> <p>twenty-four [1] - 83:15</p> <p>twenty-two [1] - 12:16</p> <p>two [15] - 12:16, 13:2, 31:15, 51:7, 57:22, 59:12, 60:9, 72:7, 73:2, 108:20, 110:14, 111:17, 112:13, 112:18, 112:22</p>
T				U
<p>TANIQUEA [1] - 1:7</p> <p>target [1] - 105:16</p> <p>targeted [20] - 87:10, 87:17, 89:1, 89:14, 90:4, 90:6, 91:7, 91:12, 91:21, 92:16, 93:18, 94:14, 95:7, 95:10, 96:2, 96:7, 96:13, 96:20, 97:16, 107:6</p> <p>targeting [6] - 88:2, 90:21, 91:5, 92:13, 92:21, 94:2</p> <p>taste [1] - 31:5</p> <p>taxi [1] - 100:8</p> <p>technical [1] - 37:10</p> <p>teenager [1] - 12:18</p> <p>temporary [3] - 110:6, 110:11, 110:12</p> <p>ten [7] - 31:21,</p>				<p>Uber [1] - 100:9</p> <p>um-hum [1] - 7:1</p> <p>under [5] - 11:11, 57:4, 87:22, 92:12, 117:11</p> <p>underprivileged [1] - 37:8</p> <p>underserved [1] - 37:9</p> <p>understood [1] - 16:1</p> <p>unfortunately [1] - 22:12</p> <p>unintentionally [1] - 45:3</p> <p>union [1] - 100:5</p> <p>UNITED [1] - 1:3</p> <p>United [1] - 25:6</p> <p>university [1] - 18:1</p> <p>University [2] - 18:2, 18:22</p> <p>UNKNOWN [2] - 1:17, 1:18</p> <p>unless [3] - 9:4,</p>

Charles Palmer

11

<p>10:12, 22:11 unpaid [2] - 50:19, 97:20 unprofessional [1] - 63:13 unsure [1] - 95:22 up [31] - 11:10, 11:14, 13:16, 16:11, 16:14, 16:17, 17:3, 20:13, 24:6, 27:20, 30:22, 33:2, 39:2, 42:9, 44:4, 46:19, 61:19, 76:5, 82:9, 82:14, 82:15, 82:23, 83:3, 85:18, 97:7, 106:3, 106:5, 110:19, 114:20 up-to-date [5] - 82:15, 82:23, 83:3, 106:3, 106:5 update [4] - 72:2, 73:22, 79:9, 109:20 updates [1] - 13:15 uses [1] - 72:17 utilize [1] - 24:8</p>	<p>Virginia [5] - 17:23, 18:2, 18:9, 18:21, 23:12 vision [9] - 31:14, 31:17, 60:2, 63:22, 64:11, 64:21, 65:16, 67:12, 77:20 visit [3] - 16:19, 16:21, 106:18 volunteer [6] - 36:18, 37:18, 37:20, 37:21, 38:1 volunteering [4] - 11:10, 12:9, 36:20, 37:1 vs [1] - 1:11</p>	<p>52:4, 52:8, 53:18, 53:23, 54:9, 55:5, 55:10, 56:15, 57:3, 57:9, 58:22, 60:16, 63:5, 63:9, 63:15, 64:1, 65:2, 65:7, 65:12, 66:1, 66:12, 66:18, 67:17, 68:5, 68:13, 68:23, 70:16, 71:21, 72:4, 72:10, 73:5, 73:10, 74:2, 74:8, 78:3, 79:11, 79:16, 80:1, 80:8, 80:12, 82:11, 82:19, 83:7, 83:20, 84:20, 85:19, 86:20, 87:5, 87:13, 88:8, 88:11, 89:2, 89:15, 90:7, 91:2, 91:15, 92:6, 93:21, 94:18, 95:13, 95:18, 96:4, 99:12, 100:1, 100:12, 100:18, 102:4, 103:12, 103:17, 104:1, 104:8, 104:13, 105:2, 105:19, 107:2, 107:7, 107:14, 107:19, 108:1, 108:3, 109:8, 109:9, 113:6, 113:19, 114:12, 114:18, 114:23, 115:10 WINANS [2] - 2:11, 117:21 Winans [1] - 117:5 window [10] - 65:20, 66:15, 67:5, 74:18, 75:1, 79:14, 86:1, 112:8, 112:15, 113:1 windows [22] - 60:7, 65:6, 65:10, 65:17, 65:19, 66:22, 67:2, 67:4, 67:5, 67:9, 77:18, 79:15, 82:2, 106:7, 108:21, 110:15, 110:17, 111:10, 111:11, 111:15, 112:13, 112:18 windshield [1] - 67:6 WITNESS [108] - 11:8, 12:23, 23:17, 24:5, 24:20, 25:14, 26:1, 26:6, 26:18, 27:7, 28:1, 28:8, 30:15, 32:13, 32:23, 33:15, 34:5, 34:11, 34:19, 35:5, 35:15, 36:7, 36:11, 36:16, 38:5, 38:9, 38:18,</p>	<p>38:23, 39:7, 39:13, 39:17, 39:22, 40:12, 40:17, 40:21, 41:14, 41:23, 43:18, 47:2, 48:23, 49:6, 49:15, 51:16, 52:1, 52:5, 52:9, 53:19, 54:1, 54:10, 56:16, 57:4, 58:23, 60:18, 63:6, 63:10, 63:16, 64:5, 65:3, 65:8, 65:13, 66:13, 66:19, 67:18, 68:6, 68:14, 69:1, 70:17, 71:22, 72:5, 72:11, 73:6, 73:11, 74:3, 78:4, 79:12, 79:17, 79:21, 82:12, 82:20, 83:8, 83:21, 85:22, 86:21, 87:6, 87:14, 88:12, 89:3, 89:16, 90:8, 91:16, 92:7, 95:14, 95:19, 99:13, 100:13, 100:19, 103:13, 103:18, 104:9, 105:3, 105:20, 107:3, 107:8, 107:15, 107:20, 113:5, 113:18, 114:11 witness [1] - 5:21 Witness [1] - 3:4 WITNESSES [1] - 3:1 words [3] - 60:22, 76:11, 81:5 writing [2] - 84:1, 117:11 written [2] - 83:6, 83:18</p>	<p>57:22, 58:2, 65:17, 80:18, 94:11, 95:17, 98:13</p>
<p>V</p>	<p>W</p>			
<p>valid [2] - 49:17, 50:1 variety [2] - 43:21, 44:2 vehicle [7] - 52:17, 82:9, 82:14, 105:21, 106:13, 110:5, 112:1 Vehicle [3] - 54:7, 55:3, 106:15 verbal [2] - 6:23, 7:3 verbatim [1] - 117:8 versed [1] - 45:7 veterans [6] - 102:12, 102:15, 103:8, 103:15, 104:5, 105:8 via [4] - 6:6, 74:6, 100:5, 100:10 video [1] - 5:20 videoconference [1] - 6:6 view [2] - 21:15, 21:17 violated [2] - 97:10, 106:20 violating [2] - 11:12, 11:13 violation [5] - 40:21, 41:2, 59:16, 97:8, 106:14 violations [4] - 40:14, 40:19, 54:7, 55:3</p>	<p>wait [2] - 70:23, 71:7 waited [1] - 56:11 waived [2] - 5:14, 5:15 war [1] - 26:11 warning [1] - 83:14 waste [1] - 22:8 weather [1] - 111:1 Western [3] - 36:1, 36:2 WESTERN [2] - 1:4, 5:2 whereas [1] - 72:19 whole [4] - 35:7, 89:4, 97:6, 117:15 Wigdorski [10] - 76:16, 76:19, 77:1, 77:15, 77:17, 112:3, 112:14, 112:23, 113:11, 113:14 Williams [3] - 3:7, 20:15, 45:6 WILLIAMS [146] - 5:2, 5:23, 11:2, 12:19, 22:9, 23:3, 23:6, 23:14, 24:4, 24:19, 25:13, 25:23, 26:5, 26:17, 27:6, 27:15, 27:23, 28:7, 28:12, 30:1, 30:14, 30:23, 32:12, 32:22, 33:14, 33:23, 34:4, 34:10, 34:18, 35:4, 35:14, 36:6, 36:10, 36:15, 38:4, 38:8, 38:17, 38:22, 39:6, 39:12, 39:16, 39:21, 40:5, 40:11, 40:16, 40:20, 41:13, 41:22, 42:5, 43:17, 45:9, 47:1, 47:15, 48:22, 49:5, 49:14, 51:15, 51:23,</p>			
			<p>Y</p>	
			<p>year [14] - 17:15, 18:12, 18:19, 37:16, 37:17, 39:17, 40:15, 51:7, 52:3, 53:1, 70:4, 103:2, 103:6, 103:7 years [21] - 12:23, 15:9, 15:10, 15:13, 31:21, 31:22, 43:13, 43:15, 43:18, 50:5, 50:7, 51:7, 51:12, 52:17, 70:4, 70:5, 70:6, 70:7, 105:21 YELDON [1] - 1:8 York [13] - 2:9, 5:4, 5:7, 15:3, 17:11, 36:1, 36:2, 109:23, 110:2, 110:4, 112:8, 117:6 YORK [3] - 1:4, 5:2, 117:1 YOUNG [1] - 1:16 yourself [8] - 45:1,</p>	